



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD) No.4120 of 2020

R.Anbuselvan

... Petitioner

-vs-

1.The Commissioner of Police,
Office of the Commissioner,
Trichy.

2.The Inspector of Police,
Kottai Police Station,
Trichy.

3.K.Ramesh,

4.K.Sabarirajan

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the respondents 1 and 2 to grant police protection to the petitioner in order to enforce the order of injunction granted by the civil Court against the respondents 3 and 4, preventing them from putting up any constructions in the western side wall of the petitioner 'A' schedule property on the basis of his various representations dated 26.12.2019, 30.12.2019, 04.01.2020 and 09.01.2020.

For Petitioner : Mr.U.Nirmala Rani

For R1 and R2 : Mr.A.Robinson
Government Advocate (Cr1.side)

O R D E R

This Criminal Original Petition has been filed seeking police protection. The petitioner is the second plaintiff in O.S.No.315 of 2019 on the file of the II Additional Sub Judge, Trichy. It is a suit for injunction. The petitioner along with other plaintiff K.P.S.Rengarajan filed two Interlocutory applications in I.A.Nos.1 and 2 of 2019 in the said suits. After



allowed by order dated 01.11.2019.

2.The grievance of the petitioner is that this order is being breached. When the petitioner approached the local police for relief, the same was frustrated by the fourth respondent herein who filed Cr1.O.P.No.17631 of 2019. Vide order dated 28.11.2019 in the said Criminal Original Petition, it was directed that the police shall not call him in the guise of enquiry and harass him. Since the police have been kept away, according to the petitioner, the respondents 3 and 4 are able to carry out their illegal constructions. This in substance is the allegation of the petitioner.

3.The learned counsel for the respondents 3 and 4 would strongly refute the allegations made by the learned counsel for the petitioner. I asked a question as to why the petitioner could not avail remedy under Order 39 Rule 2A of C.P.C. He replied that eventhough he has filed an application, the same has not been numbered. It appears that the applications pending before the II Additional Sub Court, Trichy, are being transferred to VI Additional Sub Court, Trichy and that on account of this process of transfer, for the last 1½ months, no interlocutory applications being numbered or disposed of.

4.The grievance of the petitioner is legitimate. I am of the view that the issue raised in this Criminal Original Petition can be easily resolved if the interlocutory application filed by the petitioner is taken up for enquiry and disposed of. The petitioner passed on a copy of the interlocutory application filed by him under Order 39 Rule 2A read with Section 151 of CPC. A copy of the said affidavit and petition has also handed over to the counsel appearing for respondents 3 and 4. The learned Principal District Judge, Trichy, is directed to ensure that this interlocutory application filed by the petitioner herein is numbered forthwith and disposed of on merits and in accordance with law on or before 13.03.2020.

5.The learned counsel for the respondents 3 and 4 undertakes to cooperate with such expeditious disposal. It is made clear that the parties will not adopt any delaying tactics. Since the petitioners herein have already been served on the counsel for the respondents 3 and 4 herein, they shall file their counter and serve the same on the petitioners on 09.03.2020 itself.



6.This Criminal Original Petition is disposed of on these terms.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

- 1.The Principal District Judge, Trichy.
- 2.The II Additional Sub Judge, Trichy.
- 3.The VI Additional Sub Judge, Trichy.
- 4.The Commissioner of Police,
Office of the Commissioner, Trichy.
- 5.The Inspector of Police,
Kottai Police Station, Trichy.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-10368[F] dated
06/03/2020)

Cr1.O.P. (MD) No.4120 of 2020
05.03.2020

KMV (CO)
TR(06.03.2020)3P 8C