



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD)No.5014 of 2020

V.Gomathy Nayagam

... Petitioner

Vs.

1. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

3. Maria Soosai

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first and second respondents to give police protection for the life and limb of the petitioner based on the petitioner's representation dated 06.03.2020.

For Petitioner : M/s.K.Abiya

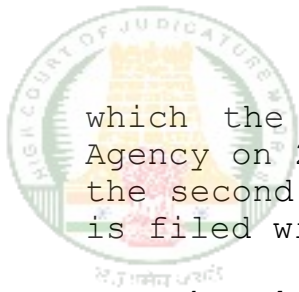
For RR 1 & 2 : Mrs.S.Bharathi,
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition is filed seeking for a direction to direct the first and second respondents to give police protection for the life and limb of the petitioner based on the petitioner's representation dated 06.03.2020.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property situated at No.168, V.O.C.Street, Tirunelveli Town, Tirunelveli. It is further submitted that the third respondent purchased the land that lies adjacent to the petitioner's land. He also added that for the past 40 years, the petitioner has been using the common lane situated in T.S.No.950. But after the purchase made by the third respondent, the petitioner was not allowed to use the common lane as the third respondent claims the common lane to be his exclusive. Since the third respondent interfered with the petitioner's enjoyment, the petitioner preferred a civil suit in O.S.No.26 of 2015 seeking for permanent injunction against the third respondent. The trial Court also granted a decree in favour of the petitioner.

3. Contrary to the decree, the private respondent interfered with the petitioner's possession and prevented the petitioner from enjoying the property and issued a life threat to the petitioner for



which the petitioner filed a complaint before the Law Enforcing Agency on 26.02.2020 and 06.03.2020 and the same was not received by the second respondent. Hence, the present criminal original petition is filed with the aforesaid prayer.

4. The learned counsel appearing for the petitioner further seeks for a liberty to file appropriate application before the competent civil court as against the private respondent.

5. Considering the limited request made by the petitioner, this criminal original petition is disposed of with a direction to the respondents 1 and 2 to consider the representation made by the petitioner dated 06.03.2020, with a liberty to the petitioner to work out his remedy in the manner known to law.

6. Admittedly, if any violation is noticed on the part of the third respondent, who is a party in the suit, it is open to the petitioner to approach the very same Court for any grievance in that regard.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2. The Inspector of Police,
Tirunelveli Town Police Station, Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.ABIYA, Advocate (SR-12611[F] dated 20/03/2020)

CRL.O.P (MD) No.5014 of 2020
20.03.2020

KB (08/06/2020) 2P 5C