



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P(MD)No.4951 of 2020

Jaheera Beevi

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai 625 007
2. The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Y.Othakadai,
Madurai 625 107
3. The Inspector of Police,
Appanthiruppathi Police Station,
Madurai.
4. The Inspector of Police,
District Crime Branch, Madurai.
5. The Tahsildar,
Madurai East Taluk,
Madurai 107
6. The Village Administrative Officer,
Kollangulam Village,
Appanthiruppathi, Madurai.
- 7) Ayyammal
- 8) Senthil
- 9) Venkittu @ Venkatesh
- 10) Chinnaponnu
- 11) R.Kanjirayan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to give necessary adequate police protection scheduled to be held on 28.03.2020 or any other subsequent date to survey and demarcation of the properties situated in S.No.18/1B and S.No.22/3 to an extent of 2 acres 31 cents at Kollangulam village, Madurai East Taluk (formerly Madurai North



Taluk), Madurai District, in the light of the Arbitration Award passed in Arbitration No.1/2018 dated 15.12.2018 held before this Hon'ble Court, on the basis of the petitioner's representation dated 13.03.2020.

For Petitioner : M/s.P.Kalaiyarasi Bharathi
For Respondents : 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 respondents 1 to 6 to give necessary adequate police protection for the survey scheduled to be held on 28.03.2020 or any other subsequent date to survey and demarcation of the properties situated in S.No.18/1B and S.No.22/3 to an extent of 2 acres 31 cents at Kollangulam village, Madurai East Taluk (formerly Madurai North Taluk), Madurai District, in the light of the Arbitration Award passed in Arbitration No.1/2018 dated 15.12.2018 held before this Court, on the basis of the petitioner's representation dated 13.03.2020.

2. The petitioner's husband is a retired District Judge, Thanjavur and at present, he has been posted as Chief Officer at Consumer Forum. The petitioner is having two brothers and two sisters and it is further submitted that there were some properties that belonged to the petitioner's parents, which come under the Kollangulam village. While so, the petitioner's mother died on 08.12.2007. After the demise of the petitioner's mother, the petitioner's father and her brother cultivated the above said properties in a peaceful manner. However, the said possession was disturbed and curtailed by respondents no.7 to 11. Hence, the petitioner's father (late) Mr.Abdul Gafoor filed a suit in O.S.No.113 of 2009 before the District Munsif Court, Melur seeking for injunction. In the meanwhile, the petitioner's father died on 29.10.2014 and thereafter, the petitioner's brother Mohamed Yusuf was impleaded as legal heir and the said suit was decreed in favour of the petitioner on 09.12.2016.

3. Aggrieved by the said order, the respondents 7 to 11 filed an appeal in A.S.No.29 of 2019 and the same also ended in favour of the petitioner on 30.08.2019, confirming the order passed in O.S.No.113 of 2009 dated 09.12.2016. In the meanwhile, the petitioner along with her brother ended up in a proposal for settlement of the dispute through Mediation and Arbitration and the properties were divided among them in the Arbitration held before this Court in Arbitration No.1 of 2018 dated 01.12.2018 and the Arbitrator passed an Award dated 01.12.2018 and an additional Award was passed on 15.12.2018. In the said Award, an Advocate



Commissioner was appointed for demarcation of the said properties with the help of the Surveyor and for handing over the possession to the respective parties.

4. In order to execute the above said Award, the Advocate Commissioner forwarded the letter to the petitioner intending to survey the property on 28.03.2020. In such circumstances, the petitioner apprehends that the private respondents may interfere and prevent to measure the properties for which the present petition has been filed.

5. Learned Government Advocate (Crl.side) would submit that if any application is filed for police protection, based on the Award dated 01.12.2018 and 15.12.2018, police protection will be granted in the manner known to law.

6. Recording the above submission made by the learned Government Advocate (Crl.side), this Criminal Original Petition stands closed. If any date is fixed for surveying the properties, as per the Award dated 01.12.2018 and 15.12.2018, the Law Enforcing Agency is directed to grant additional police protection after hearing necessary parties, including opposite parties, if any, to demarcate the properties as per the Award dated 01.12.2018 and 15.12.2018.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Madurai District,
Madurai 625 007
2. The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Y.Othakadai, Madurai 625 107
3. The Inspector of Police,
Appanthiruppathi Police Station,
Madurai.



4. The Inspector of Police,
District Crime Branch, Madurai.

5. The Tahsildar,
Madurai East Taluk, Madurai 107

6. The Village Administrative Officer,
Kollangulam Village,
Appanthiruppathi, Madurai.

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

+1 CC to Mr.P.KALAIYARASI BHARATHI, Advocate (SR-12658[F] dated
20/03/2020)

Order made in
CRL.O.P (MD) No.4951 of 2020
20.03.2020

VB(05.06.2020) 4P 9C