



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.10430 of 2020

P.Sathasivam

... Petitioner

Vs

1.The Superintendent of Police,
Trichy,
Trichy District.

2.The Inspector of Police,
Musiri Police Station,
Trichy District.

3.Asokkumar

4.Nehru

5.Amirtham

6.Gomathi

7.Senthilkumar

8.Bharathi

9.Parameswari

... Respondents

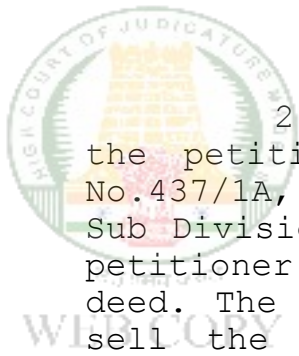
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st and 2nd respondents to give adequate police protection to the petitioner's life and limb and also for his property in Survey No.437/1A measuring 2178 sqft situated at Musiri Village, Musiri Sub Division, Trichy.

For Petitioner : Mr.M.Subash Babu

For R1 & R2 : Mr.V.Neelakandan,
Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents to give adequate police protection to the petitioner's life and limb and also for his property in Survey No.437/1A measuring 2178 sqft situated at Musiri Village, Musiri Sub Division, Trichy.



2. The learned counsel for the petitioner would submit that the petitioner is an absolute owner of the property in Survey No.437/1A, measuring 2178 sq.ft situated at Musiri Village, Musiri Sub Division, Trichy. Originally, the property was purchased by the petitioner's father from one Jegathambal on 16.03.1973 through sale deed. The respondents 3 to 9 approached the petitioner's father to sell the above said property in their favour, for which, the petitioner's father refused. Therefore, the respondents 3 to 9 started to disturb the possession and enjoyment of the property by the petitioner. Hence, the petitioner's father filed O.S.No.330 of 1995 on the file of the District Munsif Court, Musiri for the relief of permanent injunction and the same was also ordered on 24.11.2000. Aggrieved over the same, the respondents 3 & 4 and 5 to 9 legal heirs of one Shanmugam have preferred an appeal before the Principal Sub Court, Trichy in A.S.No.85/2001. During the pendency of the appeal, the petitioner's father died. Thereafter, the appeal was partly allowed by the learned Principal Sub Judge on 06.01.2008. Challenging the same, the petitioner has preferred second appeal S.A.(MD) No.282 of 2009 before this Court. By order dated 30.10.2019, this Court set aside the order passed in first appeal and confirmed the decree passed by the trial Court in O.S.No.330 of 1995. Even after getting the order in favour of the petitioner, the respondents are threatening the petitioner and also attempted to attack him. Hence, the petitioner has given representation to the petitioner on 29.02.2020 and 17.06.2020, for giving police protection. But, so far no action has been taken by the respondent police. Hence, the petitioner is before this Court with this Criminal Original Petition.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2, on instructions, would submit that the complaint given by the petitioner has been received and the enquiry is pending. Further, the learned Additional Public Prosecutor would submit that the police is ready to give police protection to the petitioner, if necessary.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2.

5. Considering the submission made on either side, the respondents 1 & 2 are directed to consider the representation of the petitioner, dated 17.06.2020, within a period of four weeks from the date of receipt of a copy of this order and give police protection to the petitioner, if necessary. If it is found that police protection is not necessary, the same shall be communicated to the petitioner so that he can work out his rights in the manner known to law.



6.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Superintendent of Police,
Trichy,
Trichy District.
- 2.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.SUBASH BABU, Advocate (SR-22265[F] dated 20/11/2020)

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19.11.2020

VB (02.12.2020) 3P 5C