



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P (MD)No.12929 of 2020

Victoria Packiavathi

... Petitioner

vs.

1)The Superintendant of Police,
Tenkasi District, Tenkasi.

2)The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

3)Sornammal

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent police to give adequate police protection to evict the 3rd respondent from the petitioner's house property premises in Anna South Street, Kaspa 9th Ward, Sivagiri Village, Tenkasi District, based on her representation dated 20.10.2020.

For Petitioner

: Mr.S.Sukumar

For R1 & R2

: Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

The present petition has been filed to direct the 2nd respondent police to give adequate police protection to evict the 3rd respondent from the petitioner's house property premises in Anna South Street, Kaspa 9th Ward, Sivagiri Village, Tenkasi District, based on her representation dated 20.10.2020.

2.The learned counsel for the petitioner would state that the house property in the above address was allotted to the petitioner's father vide final decree dated 29.03.2010 passed in the partition suit O.S.No.26/2004 and he took possession of the same vide E.P.No.57/2020, evicting the 3rd respondent by due process of law and since then, the petitioner is in absolute possession of the above house property. Thereafter, the 3rd respondent also filed O.S.No.177 of 2015 claiming her share in the above property which was dismissed on the ground of res-judicata. While so, the 3rd respondent with her men and muscle power, illegally trespassed into the petitioner's house property. Hence, the petitioner made representation dated 20.10.2020 to give police protection to evict the 3rd respondent from her house property. As the said representation is not yet considered, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that CSR.No.482/2020 has been assigned to the petitioner's complaint and

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the respondents 1 and 2 would consider and pass orders on the petitioner's representation within a time frame to be fixed by this Court.

4. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to the passed, notice to the 3rd respondent is not necessary.

5. Considering the fact that the petitioner has got the house property by virtue of the final decree in the partition suit and the subsequent suit filed by the 3rd respondent claiming share in respect of the very same property was also dismissed, ends of justice would be met by directing the respondents/Police to consider the petitioner's representation. Accordingly, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representation dated 20.10.2020 within a period of four weeks from the date of receipt of a copy of this order and give police protection, if necessary. If it is found that police protection is not necessary, the respondents 1 and 2 shall communicate the action taken to the petitioner, so that she can work out her remedy in the manner known to law.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

1)The Superintendant of Police,Tenkasi District, Tenkasi.

2)The Inspector of Police,
Sivagiri Police Station,Tenkasi District.

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

+1 CC to M/s.S. SUKUMAR, Advocate (SR-22747[F] dated 24/11/2020)

Crl.O.P(MD)No.12929 of 2020

DATED : 23.11.2020

SV2 (CO)

AP(04/12/2020) 2P 5C

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