



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.13128 of 2020

P.Anandharaj

... Petitioner

vs.

1)The Superintendent of Police,
Thoothukudi District.

2)The Inspector of Police,
South Police Station,
Thoothukudi.

3)Velu

4)Mariyappan

5)Prakash

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, directing the 2nd respondent to provide police protection to the life and liberty of the petitioner, his brothers and sisters and their property in Municipal No.106.K/19-B, Meelavittan Village, Thoothukudi Taluk and Thoothukudi District measuring to an extent of 27 feet of northern side, 39½ feet of southern side 82.8 feet on the western side and 68½ feet on the eastern side from the respondents 3 to 5.

For Petitioner : Mr.R.Balakrishnan

For R1 & R2 : Mr.V.Neelakandan

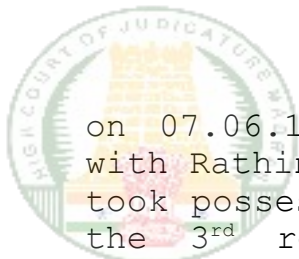
Additional Public Prosecutor

R3 to R5 : Notice Dispense with

ORDER

The present petition has been filed for directing the 2nd respondent to provide police protection to the life and liberty of the petitioner, his brothers and sisters and their property in Municipal No.106.K/19-B, Meelavittan Village, Thoothukudi Taluk and Thoothukudi District measuring to an extent of 27 feet of northern side, 39½ feet of southern side 82.8 feet on the western side and 68½ feet on the eastern side from the respondents 3 to 5.

2.The learned counsel for the petitioner would state that the above address belonged to one Rathinasamy Nadar and



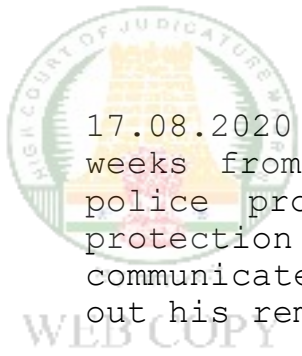
on 07.06.1981, the petitioner's father executed a sale agreement with Rathinasamy Nadar and paid entire sale consideration to him and took possession of the property and changed patta in his name. But the 3rd respondent, legal heir of the said Rathinasamy Nadar interfered with his peaceful possession and therefore, the petitioner's father filed a suit in O.S.No.91/2001 for permanent injunction and the trial Court partly decreed the suit restraining the 3rd respondent from interfering with the petitioner's father's peaceful possession, but dismissed the suit refusing to restrain the 3rd respondent from alienating the above property, against which, 3rd respondent filed appeal suit which was allowed and the second appeal filed thereagainst before this Court was allowed holding that the petitioner's father is entitled to the relief of permanent injunction till the disposal of RCOP.No.18/2004 filed by the 3rd respondent wherein, the 3rd respondent sought eviction of the petitioner's father from the above property claiming that he was a tenant under the 3rd respondent.

3.The learned counsel for the petitioner would further state that the suit filed by the 3rd respondent's wife in O.S.No.222/2014 for declaration and for mandatory injunction to incorporate her name in the survey records in respect of the above property, was dismissed holding that the earlier suit in O.S.No.341/2012 filed for the same relief was dismissed. Further, the above RCOP.No.18/2004 was also dismissed finding no merits. Against the dismissal of the above suit and RCOP, no appeal was filed and therefore, the learned counsel would state that in the above proceedings, the Courts have categorically negatived the claim of the 3rd respondent over the above property. Having lost the case before the Civil Courts, the respondents 3 to 5 are attempting to intimidate the petitioners through the rowdy elements and threatening the life of the petitioner, his brother and sisters. Therefore, the petitioner made representation on 17.08.2020 to the 2nd respondent/Police to give police protection to their life, liberty and their property and also made another representation on 10.10.2020. Since no order was passed on the representations, the petitioner has filed the present petition for the above relief.

4.The learned Additional Public Prosecutor would state that the respondents 1 and 2 will consider the petitioner's representations dated 17.08.2020 and 10.10.2020 and will pass orders within a time frame to be fixed by this Court.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor. In view of the order going to be passed, no notice is necessary to the respondents 3 to 5.

6.Considering the facts and circumstances of the case, without going into the merits of the case, the respondents 1 and 2 are directed to consider the petitioner's representations dated



17.08.2020 and 10.10.2020 and pass orders 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 are directed to communicate the action taken to the petitioner so that he can work out his remedy in the manner known to law.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala

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 Superintendent of Police,
Thoothukudi District.

2) The Inspector of Police,
South Police Station,
Thoothukudi.

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

ORDER MADE IN
CrI.O.P(MD)No.13128 of 2020
DATED : 23.11.2020

VR(CO)

TR(04.12.2020) 3P 4C