



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.13492 of 2020

WEB COPY

Chandra

... Petitioner

Vs.

1. The Superintendent of Police
Trichy District, Trichy.

2. The Inspector of Police
Siruganur Police Station, *
Trichy.

* Amended as per order of this Court, dated 04.12.2020
in Crl.M.P(MD) No.6543 of 2020

3. The Revenue Tahsildar,
Manachanallur Taluk,
Trichy District.

4. Thathamangalam Panchayat,
Rep. by its Head of Panchayat Union,
Panchayat Office, Thathamangalam,
Manachanallur Taluk,
Trichy District.

5. V.Aathali

6. Manachanallur Panchayat Union,
Rep. by its Commissioner of Panchayat Union,
Panchayat Union Office,
Manachanallur Taluk,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to provide adequate police protection to the petitioner's life and limb and to fence the property comprised in S.No.313/3A to an extent of 250 Sq.m., in S.No.313/3B to an extent of 1410 Sq.m., in S.No.313/3C to an extent of 410 Sq.m., situated at Thathamangalam Village, Manachanallur Taluk, Trichy District, by considering his representation, dated 10.10.2020.

For Petitioner : Mrs.V.Sujatha Siddharthan

For Respondents 1 to 3 : Mr.V.Neelakandan

Additional Public Prosecutor

For 5th Respondent : Mr.S.Karthik



O R D E R

This Criminal Original Petition has been filed to direct the second respondent to provide adequate police protection to the petitioner's life and limb and to fence the property comprised in S.No.313/3A to an extent of 250 Sq.m., in S.No.313/3B to an extent of 1410 Sq.m., in S.No.313/3C to an extent of 410 Sq.m., situated at Thathamangalam Village, Manachanallur Taluk, Trichy District, by considering his representation, dated 10.10.2020.

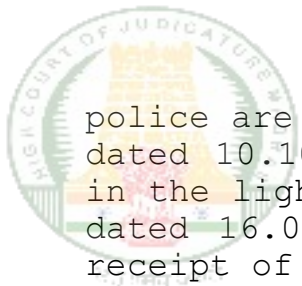
2. The grievance of the petitioner is that the respondents 4 to 6 were disturbing her peaceful possession and enjoyment of the above mentioned property. Therefore, the petitioner has filed a suit in O.S.No.512 of 2015 for injunction against the respondents 4 to 6 and obtained a decree in her favour. According to the petitioner, even thereafter, the respondents 4 to 6 are trying to remove the fence put up by the petitioner in the above mentioned property and therefore, the petitioner lodged a complaint before the second respondent police in person, but so far, no action has been taken. The petitioner has fenced her property by erecting stones and barbed wire. On 08.10.2020, the respondents 4 to 6 and others illegally trespassed into the petitioner's property and removed the fence and uprooted the piled stones. Therefore, the petitioner has made a representation, dated 10.10.2020, to the respondents 1 and 2/police through registered post, to take appropriate action against the respondents 3 to 6, but no action has been taken. Hence, the present petition.

3.The learned Additional Public Prosecutor, on instructions, would state that the respondent police will consider and pass orders on the representation of the petitioner, dated 10.10.2020, within a time frame to be fixed by this Court.

4.The learned counsel appearing for the fifth respondent would state before this Court that the property in dispute is a public pathway and it has been used by the Villagers for many years. But the petitioner without impleading the fifth respondent as a party, has filed a suit and obtained a decree in her favour and therefore, would pray for dismissal of this petition.

5.Heard the learned counsel for the petitioner, learned counsel for the fifth respondent and the learned Additional Public Prosecutor for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 & 6, notice to them is not necessary.

6.Perusal of record shows that there is a decree of injunction obtained by the petitioner in respect of the above property. Once a decree is in favour of the petitioner, it is obligatory on the part of the respondents 1 and 2/police to give protection to the petitioner and therefore, the respondents 1 & 2/



police are directed to consider the representation of the petitioner dated 10.10.2020, by giving opportunity to the respondents 4 to 6, in the light of the Civil Court decree passed in O.S.No.512 of 2015, dated 16.03.2017, within a period of four weeks from the date of receipt of a copy of this order.

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7. Accordingly, this criminal original petition is ordered.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Superintendent of Police
Trichy District, Trichy.
2. The Inspector of Police
Siruganur Police Station,
Trichy.
3. The Revenue Tahsildar,
Manachanallur Taluk,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Karthik, Advocate, SR.No.26489.

CrI.O.P. [MD]No.13492 of 2020
17.12.2020

SMV(CO)
CS(22.01.2021) 3P 6C