



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.14273 of 2020

T.Saravanan

... Petitioner

Vs.

1.The Commissioner of Police
Office of the Commissioner of Police
Trichy City.

2.The Inspector of Police,
Srirangam Police Station,
Trichy City.

3.A.Rengaraj

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 herein to provide adequate police protection to the petitioner's life and limb and his property comprised in T.S.No.2197 to an extent of 0.08 cents out of 2.63 cents situated at Near Padasalai of Singaperumal Temple, Srirangam Taluk, Trichy City, by considering the petitioner's representation dated 23.11.2020.

For Petitioner : Mr.C.Gangai Amaran

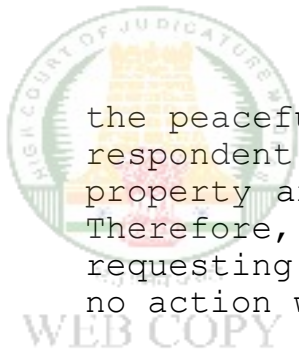
For Respondents 1 & 2 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed directing the respondents 1 and 2 to provide adequate police protection to the petitioner's life and limb and his property, by considering the petitioner's representation dated 23.11.2020.

2.The learned counsel for the petitioner would state that the above mentioned property has been leased out to the petitioner's forefathers, grandfather and his father since more than 60 years. By virtue of their long possession and cultivation of the lands of the Trust, they have become the cultivating tenants and they are protected as per the Tamil Nadu Cultivating Tenants Protection Act. In such circumstances, one Perumal and his henchmen have illegally trespassed into the property of the petitioner. Therefore, the petitioner has filed a suit in O.S.No.584 of 2001 and obtained permanent injunction order dated 08.02.2007. In spite of such permanent injunction decree granted by the competent Civil Court, the said Perumal and his henchmen were continuously interfering with



the peaceful possession of the petitioner. On 22.11.2020, the third respondent along with his henchmen illegally trespassed into the property and also threatened the petitioner with dire consequences. Therefore, the petitioner lodged a complaint on 23.11.2020 requesting to take action and sought for police protection. Since no action was taken, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor would state that based on the petitioner's complaint dated 23.11.2020, enquiry has been conducted in CSR No.608 of 2020 dated 07.12.2020 and the same is pending.

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

5.Recording the above submission made by the learned Additional Public Prosecutor, without going into the merits of the case, the respondents 1 and 2 are directed to consider and pass orders on the petitioner's representation dated 23.11.2020 after giving notice to the other side, by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** and if it is found that police protection is necessary, the same may be given to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall co-operate with the respondent police and produce the relevant documents to enable them to take action.

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

Sd/-

Assistant Registrar (CS-III)

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



To

1.The Commissioner of Police
Office of the Commissioner of Police
Trichy City.

2.The Inspector of Police,
Srirangam Police Station,
Trichy City.

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

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-24954[F] dated
10/12/2020)

Crl.O.P.[MD]No.14273 of 2020

08.12.2020

SS(CO)

NR (18/12/2020) 3P : 5C