



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.12.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14340 of 2020

R.Chelladurai

... Petitioner

vs.

1.The Superintendant of Police,
Office of the Superintendant of Police,
Pudukkottai District.

2.The Inspector of Police,
Vadakadu Police Station,
Vadakadu,
Pudukkottai District.

3.S.Ganesan

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to provide adequate police protection to build up the compound wall in Survey No.26/7 at Rasiyamangalam Village, Keelapatti, Alangudi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 09.09.2020.

For Petitioner : Mr.K.C.Maniyarasu

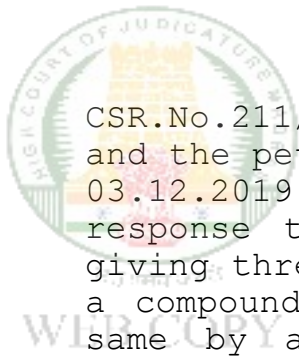
For Respondents 1 & 2 : Mr.V.Neelakandan

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 build up the compound wall in Survey No.26/7 at Rasiyamangalam Village, Keelapatti, Alangudi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 09.09.2020.

2.The learned counsel for the petitioner would state that the property in S.No.26/7 at Rasiyamangalam Village, Keelapatti, belongs to the petitioner and the 3rd respondent has filed a suit in O.S.No.88/2011 for declaration and permanent injunction against the petitioner in respect of the above property and the said suit was dismissed on 08.10.2013, against which, the 3rd respondent filed appeal in A.S.No.54/2014 which was dismissed for non prosecution on 10.07.2018 and thereafter, no further action has been taken by the 3rd respondent and therefore, the above judgment had become final. So, according to the petitioner, both the Courts below have confirmed his title and possession over the above property. While so, on 30.08.2019, the 3rd respondent and his son had illegally trespassed into the petitioner's property and attempted to grab it and further they had intimidated him and therefore, the petitioner lodged a complaint to the 2nd respondent police on 16.09.2019 and



CSR.No.211/2019 has been issued but thereafter, no action was taken and the petitioner has made a representation to the 1st respondent on 03.12.2019 seeking police protection to his life and there was no response to the same. Since the 3rd respondent was continuously giving threat to the petitioner, the petitioner decided to construct a compound wall in his property and sought for protection to the same by a representation dated 09.09.2020 addressed to the 1st respondent, but no action was taken. Due to the continuous inaction on the part of the respondents/police, the petitioner has filed this petition.

3.The learned Additional Public Prosecutor, on instructions, would state that based on the petitioner's complaint, dated 16.09.2020, enquiry has been conducted in CSR No.211 of 2019 and during enquiry, 3rd respondent has given an undertaking that he will not disturb the petitioner's peaceful possession and based on the same, the complaint was closed on 17.09.2019.

4.Admittedly, the suit filed by the 3rd respondent was dismissed, against which, appeal has been filed and it has been dismissed for non prosecution. It is also the submission of the learned Additional Public Prosecutor that the 3rd respondent has given an undertaking on 17.09.2019 that he will not interfere with the peaceful possession of the petitioner's property. The petitioner would state that he has a proposal to construct a compound wall in his property and if the petitioner has got any grievance while constructing the compound wall, he is always at liberty to approach the respondents/police. Since the petitioner has got the civil court decree in his favour, it is obligatory on the part of the respondents/police to give him protection. It is needless to say that the petitioner shall survey his land, fix the boundaries and then construct the compound wall based on the civil court decree.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala/rm
To

1.The Superintendant of Police,
Office of the Superintendant of Police,
Pudukkottai District.

<https://hcservices.ecourts.gov.in/hcservices>



2.The Inspector of Police,
Vadakadu Police Station,
Vadakadu,
Pudukkottai District.

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

CrI.O.P.[MD]No.14340 of 2020
DATED : 09.12.2020

KVN(CO)
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