



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.14662 of 2020

P. Ponsekar

... Petitioner

Vs

STATE THROUGH

1.The Superintendent of Police
Tuticorin,
Tuticorin District.

2.The Inspector of Police,
North Police Station,
Tuticorin District.

3.Edison

...Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent to give police protection for the petitioner's life and limb as well as his shop as per the decree in O.S.No.50 of 2011, on the file of the Additional District Munsif, Tuticorin dated 15.02.2015, based on the representation dated 26.11.2020.

For Petitioner : Mr.C.Susikumar
For R1 & R2 : Mr.V.Neelakandan,
Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to give police protection for the petitioner's life and limb as well as his shop as per the decree in O.S.No.50 of 2011, on the file of the Additional District Munsif, Tuticorin dated 15.02.2015, based on the representation dated 26.11.2020.

2.The learned counsel appearing for the petitioner would submit that the petitioner is having a lumber shop at Door No.113/2, Boalpettai, Tuticorin since 2005 and the shop belongs to 3rd respondent and the petitioner is a tenant. In the year 2011, there was some misunderstanding between the petitioner and the 3rd respondent, due to which, the 3rd respondent instructed the petitioner to vacate the proeprty, even without giving sufficient time. Hence, the petitioner filed a Suit in O.S.No.50/2011, on the file of the Additional District Munsif Court, Tuticorin and obtained decree on 15.02.2017. According to the petitioner, even though the petitioner obtained a civil court order in favour of him, the 3rd respondent threatened the petitioner to vacate the shop and damaged the articles worth about Rs.10 Lakhs. Hence, the petitioner has



given many complaints to the respondent police, but no fruitful action has been taken by them. Hence, the petitioner has come forward with this present Criminal Original Petition, seeking police protection.

3.The learned Additional Public Prosecutor(Crl.side) appearing on behalf of the respondents 1 & 2, on instructions, would submit that based on the complaint given by the petitioner, CSR No. 781 of 2020 has been assigned on 01.12.2020 and the enquiry is pending. The issue involved in this case is the landlord and tenant dispute between the petitioner and the 3rd respondent.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 & 2. Since no adverse order is going to be passed, notice to the 3rd respondent is dispensed with.

5.The petitioner is a tenant in the shop belongs to the 3rd respondent. Due to misunderstanding, the 3rd respondent asked the petitioner to vacate the shop without giving sufficient time. The petitioner filed a Suit in O.S.No.50 of 2011, against the 3rd respondent and obtained a decree not to vacate him without following due process of law, and therefore, it is obligatory on the part of the respondent/police to give protection.

6.Considering the above stated facts and circumstances of the case, the respondents 1 and 2 are directed to consider the petitioner's representation dated 26.11.2020 and take appropriate action, after giving opportunity to the 3rd respondent, 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***. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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.

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



To: -

- 1.The Superintendent of Police
Tuticorin,
Tuticorin District.
- 2.The Inspector of Police,
North Police Station,
Tuticorin District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.14662 of 2020
14.12.2020

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KB(03.02.2021) 3P 4C