



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.15253 of 2020

K.V.Palanisamy

... Petitioner

Vs

1.The Superintendant of Police,
Superintendant of Police Office,
Karur District, Karur.

2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

3.Peraiyasamy

4.Amirtham

5.Krishnan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st and 2nd respondents to provide police protection to the petitioner to execute the order made in O.S.No.130 and 140 of 2016 on the file of the learned Additional District Munsif Court, Karur dated 10.01.2020 based on the representation of the petitioner dated 07.12.2020.

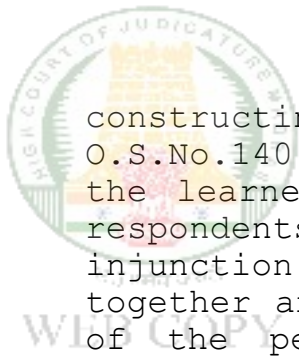
For Petitioner : Mr.R.Meenakshi Sundaram

For R1 and R2 : Mr.V.Neelakandan,
Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents to provide police protection to the petitioner to execute the order made in O.S.Nos.130 and 140 of 2016 on the file of the learned Additional District Munsif Court, Karur dated 10.01.2020 based on the representation of the petitioner dated 07.12.2020.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the land in S.No.952/26 and 952/27, in Karur District. In the year 2015, while the petitioner was not in his native, the fourth and fifth respondents encroached the petitioner's land to an extent of 6*6 feet. When the petitioner questioned about the same, the fourth and fifth respondents assured to remove the encroachment in three months. Since they did not do so, the petitioner tried to construct the compound wall in the boundary. The 3 to 5 respondents restrained the petitioner from



constructing the wall. Hence, the petitioner filed a suit in O.S.No.140 of 2016 for declaration and permanent injunction before the learned Additional District Munsif Court, Karur and the third respondents also filed a suit in O.S.No.130 of 2016 for permanent injunction. The petitioner submitted that both suits were tried together and the suit filed by the petitioner was allowed in favour of the petitioner and the suit filed by the respondents was dismissed. Even thereafter, the respondents did not vacate the premises and also restrained the petitioner from constructing the compound wall. Therefore, the petitioner filed a petition on 07.12.2020 before the first and second respondents seeking police protection. So far, no action has been taken by them. Hence, this petition.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that appeals have been filed by the respondents in A.S.Nos.12 and 14 of 2020 on the file of the Sub Court, Kulithalai against O.S.Nos.130 and 140 of 2020.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. In view of the order going to be passed, notice to the third and fourth respondents is not necessary.

5. Admittedly, an appeal is pending in A.S.Nos.12 and 14 of 2020. If no stay is there in the said appeals, the petitioner can always file an Execution Petition before the Court below for executing the civil Court decree. Hence, the present Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (AD-II)

// 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 Superintendant of Police,
Superintendant of Police Office,
Karur District, Karur.
- 2.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.15253 of 2020
23.12.2020

(VR) CO

AP(18/01/2021) 3P 4C