



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.[MD].No.17616 of 2019

WEB COPY

Selvam

: Petitioner

Vs.

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Sub-Inspector of Police,
Manapparai Police Station,
Trichy District.

3.Mani

4.Kathiravan

5.Kutty

: 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 clean the petitioner's father's property comprised in S.No.28/1 and 29/11 measuring about 0.18 cents and 0.41 cents respectively and totally 0.50 cents situated at Seegampatti Village, Manapparai Taluk, Trichy District, based on his representations, dated 16.10.2019 and 21.10.2019.

For Petitioner : Mr.T.Leninkumar

For R1 and R2 : Mr.S.Chandarasekar

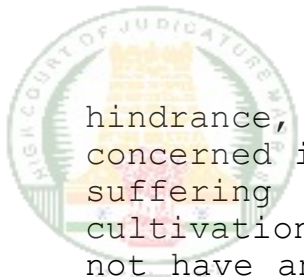
Additional Public Prosecutor

For R3 to R5 : Mr.V.Pandiyan

ORDER

This Criminal Original Petition has been filed seeking for a direction to the second respondent to provide adequate police protection to clean the petitioner's father's property comprised in S.No.28/1 and 29/11 measuring about 0.18 cents and 0.41 cents respectively and totally 0.50 cents situated at Seegampatti Village, Manapparai Taluk, Trichy District, based on his representations, dated 16.10.2019 and 21.10.2019.

2.The learned counsel for the petitioner would submit that the petitioner's father Nallu Gounder owns properties comprised in S.Nos.28/1 and 29/11, measuring about 0.18 cents and 0.41 cents respectively and totally 0.50 cents situated at Seegampatti Village, Manapparai Taluk, Trichy District. Since the petitioner's father is in absolute possession and enjoyment of the property without any



hindrance, recognizing the title and possession, the Tahsildar concerned issued patta to the said land. The petitioner's father is suffering from age related illness and the petitioner is doing cultivation. He would further submit that the respondents 3 to 6 do not have any right whatsoever over the said property. However, the third respondent with an intention to grab the property, filed a suit in O.S.No.6 of 2015, before the District Munsif, Manapparai seeking for the relief of declaration and permanent injunction and the same was dismissed before the trial Court. Even thereafter, the third respondent illegally trespassed into the property and refused to go out, the petitioner's father filed a suit in O.S.No.18 of 2015, before the District Munsif Court, Manapparai, seeking for the relief of declaration and recovery of possession and the same was decreed in his favour and thereby, the trial Court directed the third respondent to hand over the possession of the property within a period of two months from the date of receipt of the copy of the Judgment. Thereafter, the petitioner filed E.P.No.39 of 2018, before the Execution Court. On 01.11.2018, the E.P. Court ordered to deliver the possession of the property to the petitioner's father and accordingly, the possession was taken from the third respondent and handed over to them and since then the petitioner and his father are in absolute possession and enjoyment of the property without any hindrance.

3.He would further submit that in order to develop and improve the quality of the land, the petitioner was removing the shrubs, bushes and waste trees etc., in the land on 13.10.2019. At that time, the respondents 3 to 6 illegally trespassed into the land and prevented the petitioner from doing so. In this regard, on 16.10.2019, the petitioner lodged a complaint before the second respondent, no action has been taken. He once again sent a complaint on 21.10.2019 to the second respondent and no action has been taken.

4.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complaint given by the petitioner, enquiry has been initiated in Current Paper No.G4/36923/2114/19. He would further submit that proper enquiry will be conducted and if necessary, protection will be given to the petitioner.

5.Recording the same, this Criminal Original Petition stands closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Sub-Inspector of Police,
Manapparai Police Station,
Trichy District.

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

+1 CC to Mr.T.LENINKUMAR, Advocate (SR-5960[F] dated 12/02/2020)

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MK (11.03.2020) 3P 5C