



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**

Crl.O.P. (MD) .No.19436 of 2019

V.Ulagammal

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

3.M.Senthilkumar

4.A.Iyappan

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the Inspector of Police, Kalakkadu Police Station, Tirunelveli District to award adequate police protection to the petitioner to hold an unhindered possession and enjoyment of the house property situated in D.No.11/21, Kirubalini Street, Kalakkadu, Tirunelveli District on the strength of the decree passed by the learned District Munsif, Nanguneri, Tirunelveli in O.S.No.110 of 2014, dated 02.11.2017.

For Petitioner : Mr.R.Anand

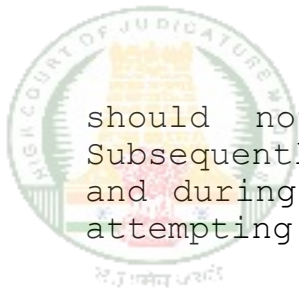
For R-1 and R-2 : Mr.S.Chandrasekar,
Additional Public Prosecutor

For R-3 : Mr.R.J.Karthick

O R D E R

This Criminal Original Petition has been filed seeking a direction to the second respondent to award adequate police protection to the petitioner to hold an unhindered possession and enjoyment of the house property situated in D.No.11/21, Kirubalini Street, Kalakkadu, Tirunelveli District, on the strength of the decree passed by the learned District Munsif, Nanguneri, Tirunelveli in O.S.No.110 of 2014, dated 02.11.2017.

2. It is the case of the petitioner that she has filed a suit in O.S.No.110 of 2014 for permanent injunction. The learned District Munsif, Nanguneri, Tirunelveli, had issued notice to the respondents. She would further submit that in the said suit, notice was ordered to the fourth respondent herein, where he was cited as the second respondent and he has also admitted that the petitioner is in possession. Based on which, the Court below has passed decree that the petitioner shall not be evicted and that the respondents



should not interfere with the possession of the petitioner. Subsequently, the fourth respondent has filed a suit for declaration and during the pendency of the suit with the help of the police is attempting to evict the petitioner from her house.

3. In view of the above situation, this Court is of the opinion that the petitioner is entitled to protection pursuant to the order passed by the learned District Munsif, Nanguneri, Tirunelveli in O.S.No.110 of 2014, dated 02.11.2017. Therefore, the respondents 1 and 2 are directed to give police protection to the petitioner on the strength of the decree passed by the learned District Munsif, Nanguneri, Tirunelveli in O.S.No.110 of 2014 dated 02.11.2017. This Court has not expressed its opinion with regard to the civil rights of the parties, which are pending before the appropriate civil court.

4. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The District Munsif, Nanguneri, Tirunelveli District.

2. The Superintendent of Police,
Tirunelveli District.

3. The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

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

+1 CC to M/s.R.ANAND, Advocate (SR-1250[F] dated 09/01/2020)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-1592[F] dated 13/01/2020)

Crl.O.P. (MD) .No.19436 of 2019

09.01.2020

KK/SAR/29.01.2020/2P-7C/