

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Rev.Appl.No.34 of 2021
and Crl.O.P.No.18795 of 2020

Rev.Appl.No.34 of 2021

Anbazhagan

..... Petitioner

Vs

Ashokan

..... Respondent

Prayer : Review Application filed under Order 41 Rule 1 and 2 of CPC read with Section 114 of CPC to review the order dated 11.01.2021 and made in CRP (PD) No.2155 of 2016.

For Petitioner : Mr.V.R.Rajasekaran

For Respondent : Mr.J.Nandagopal

Crl.O.P.No.18795 of 2020

P.Anbazhagan

... Petitioner

Vs.

1.State represented by the
Superintendent of Police,
Tiruvarur District, Tiruvarur.

2.State represented by the
Deputy Superintendent of Police,
Tiruvarur Sub Division,
Tiruvarur District, Tiruvarur.

3.State represented by the
Inspector of Police,
Koradacheri Police Station,
Tiruvarur District.

4.P.Ashokan

5.J.Ramesh @ Siva Subramaniam

6.D.Vijayakumar

7.P.Dravida Mani

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the 3rd respondent to give police protection to the petitioner and his fish pond land situated in the Kankoduatha Vandidham Village Survey No.141/2, 141/3, 141/4, 141/5, 141/6, as stated in the complaint of the petitioner dated 21.09.2020.

For Petitioner : Mr.P.Gurunathan

For Respondents : Mr.L.Charles Prem Kumar

Govt.Advocate (Crl.Side)

for R1 to R3

Mr.J.Nandagopal for R4 to R7

ORDER

This Review Application has been filed to review the order dated 11.01.2021 made in CRP (PD) No.2155 of 2016, thereby directing the petitioner and the respondent to maintain Status Quo and also to dispose the suit in O.S.No.126 of 2013 on the file of the District Munsif Court, Tiruvarur.

2. The petitioner is the plaintiff. The petitioner filed a petition for permanent injunction in respect of the suit property against none other than his own brother. The Trial Court granted an interim injunction which was made absolute. The respondent filed an appeal in CMA No.8 of 2015 on the file of the Subordinate Court, Tiruvarur and the same was allowed. Aggrieved by the same, the petitioner filed a Civil Revision Petition in CRP No.2155 of 2016, in which this Court directed the petitioner and the respondent to maintain Status Quo as on 11.01.2021 in respect of the suit property. It is made clear that all along the petitioner enjoyed the order of interim injunction of the suit property from the date of filing the suit.

3. Though, the First Appellate Court reversed the order of injunction while admitting the Civil Revision Petition, this Court granted an interim injunction and it continued till the disposal of the CRP. Therefore, the petitioner's possession and enjoyment of the suit property is clarified.

WEB COPY

4. In fact, the respondents attempted to trespass into the property on 17.06.2014 along with his family members and also attacked the petitioner and his family members. On the complaint lodged by one Pakkirisamy, FIR

was registered in Crime No.205 of 2014 for the offences under Sections 147, 148, 324, 323 and 506(ii) of IPC as against the respondent and others on the file of Koradacheri Police Station, Tiruvarur District. Again on 11.08.2014, the respondent and other attempted to trespass into the property and attacked the petitioner and his family members. Therefore, another complaint was lodged in Crime No.283 of 2014 for the offences under Section 294(b), 324 and 506(ii) of IPC on the file of the Inspector of Police, Koradacheri Police Station, Tiruvarur.

5. In pursuant to which the complaint was referred before the Revenue Divisional Officer, Mannarkudi. The Revenue Divisional Officer initiated the proceedings under Section 145 Cr.P.C and both are facing the enquiry under Section 145 Cr.P.C.

6. In view of the above facts and circumstances, the petitioner is in possession and enjoyment of the suit property and as such the possession may continued till the disposal of the suit.

7. With the above clarification, this Revision Application stands disposed of.

8. In view of the discussion and also fact that the enquiry is pending before the Revenue Divisional Officer, Mannarkudi, as against the petitioner and the respondents under Section 145 Cr.P.C, the police protection cannot be granted. However, if any complaint is lodged by the petitioner, it may be considered and the concerned police officer is directed to conduct an enquiry as against the accused and proceed with in accordance with law. The Revenue Divisional Officer is directed to complete the enquiry within a period of 12 weeks from the date of receipt of a copy of this order.

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

WEB COPY

22.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

lpp

G.K.ILANTHIRAIYAN,J.

Lpp

To
The District Munsif Court,
Tiruvarur.



Rev.Appl.No.34 of 2021
and Crl.O.P.No.18795 of 2020

WEB COPY

22.03.2021