



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13861 of 2021

1.Pasuvappa
2.Dillibabu

...Petitioners

Versus

1. The Inspector of Police,
H1 Washermentpet Police Station,
Chennai-600 021.

2. Saravanan.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to give a police protection to continue the construction work in our property due to avoid the law and order problem may created by the defacto complainant.

For Petitioner	:	Mr.P.Suriyanarayanan
For R1	:	Mr.A.Damodaran, Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to give Police protection for construction work in the petitioner's property.

2.The learned counsel for the petitioner submitted that the petitioner's neighbour Saravanan is causing disturbance and obstructing petitioner in constructing compound wall. Earlier, the said Saravanan and his family members have filed a suit in O.S.No.3175 of 1986 against the petitioner's father, which came to be dismissed on 24.08.1993 by the learned XI Assistant Judge, City Civil Court, Chennai, against which an appeal was filed in A.S.No.81 of 1997. The learned VII Additional Judge, Civil City Court, Chennai had dismissed the appeal confirming the judgment in O.S.No.3175 of 1986. Thereafter, another suit in O.S.No.5362 of 2005 was filed by Saravanan's family before learned IV Assistant Judge, City Civil Court, Chennai and the same was also dismissed on 21.11.2014. In view of the same, the counter petitioner Saravanan has got no right to obstruct construction



work of the petitioner. Now, the said Saravanan lodged a complaint to the 1st respondent Police on 05.04.2021 and C.S.R.No.150 of 2021 was assigned.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent Police submitted that both Saravanan and the petitioner appeared for enquiry in C.S.R.No.150 of 2021. During enquiry, the parties undertook that they would approach the civil Court for their relief. Based on which, C.S.R.No.150 of 2021 was closed.

4.Considering the rival submissions and on perusal of the materials, it is seen that there is no civil Court order or any other proceedings in favour of Saravanan to obstruct the construction of compound wall. On the other hand, Saravanan and his family members have filed civil cases, which were dismissed.

5.In view of the same, the 1st respondent Police is directed to provide Police protection to the petitioner for constructing the compound wall, unless there is any civil Court order against him.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H1 Washermenpet Police Station,
Chennai-600 021.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Suriyanarayanan, Advocate, Sr.No. 39999.

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PL(CO)
LS(06/09/2021)