



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13561 of 2021

Muthu

... Petitioner

Versus

State by

1.The Superintendent of Police
Salem District
Salem.

2.The Inspector of Police
Konganapuram Police Station
Konganapuram
Salem District.

3.Ayyamuthu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to give adequate police protection to the petitioner and his family members on the basis of the complaint made by the petitioner on 15.06.2021.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Damodharan for R1 & R2
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent police to give adequate police protection to the petitioner and his family members on the basis of the complaint made by the petitioner on 15.06.2021.

2. The petitioner seeks police protection, since the accused one Ayyamuthu Group, who are adjacent land owners, causing disturbance to the petitioner in his peaceful possession and enjoyment of the property.



3. The contention of the petitioner is that he is owning 1.90 acres in S.No.264/4 in the Sangagiri Taluk. This property was purchased in the year 1953 and thereafter, he is enjoying the said property. Subsequently, one Ayiyamuthu Group purchased remaining 40 cents of land in S.No.264/4 and a new S.No.264/4A was allotted to his land. Thereafter, the said Ayiyamuthu's Group encroached upon the petitioner's property and threatened the petitioner. The petitioner had filed a suit in O.S.No.77 of 2012, which had been decreed in favour of the petitioner, against which, appeal suit in A.S.No.3 of 2014 had been filed, which was dismissed. Thereafter, the said Ayiyamuthu Group has filed a suit in O.S.No.388 of 2004, which was dismissed and now, no civil suit is pending. The Civil Courts have confirmed the ownership right of the petitioner. Despite the same, Ayiyamuthu Group encroached upon the petitioner's properties. Hence, the petitioner had lodged a complaint on 15.06.2021 and the same has been assigned with CSR.No.208 of 2021, but no action has been taken thereafter.

4. The learned Government Advocate (Crl.Side) submitted that on the complaint of the petitioner's son Periyasamy, a counter case in Crime No.273 of 2021 was filed for the offence under Sections 147, 294(b), 323 and 341 against Ayiyamuthu, Perumal, Pachaimuthu, Velusamy, Vanitha, Kamala and Azhagammal. All the accused were arrested and later granted bail.

5. Considering the above submissions, this Court is of the view that the ownership of the petitioner has been proved and the Trial Court has confirmed the peaceful possession and enjoyment of the property of the petitioner. Hence, this Court directs the Inspector of Police, Konganapuram Police Station, to give police protection to the petitioner.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dna



To

1.The Superintendent of Police
Salem District
Salem.

2.The Inspector of Police
Konganapuram Police Station
Konganapuram
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate (SR No.39326)

CRL.O.P.No.13561 of 2021

SJ (CO)
PR (17/08/2021)