

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16401 of 2020

K.Jayalakshmi

.. Petitioner

Vs

1.The State,
Rep. by the Superintendent of Police,
District Police Office Building, 2nd Floor,
Sathuvacheri,
Vellore - 632 009.

2. The Inspector of Police,
Latheri Police Station,
National Highway 234,
Katpadi Taluk,
Vellore District - 632 202.

3. K.Sundaresan

4. Kasiammal

5. S.Munusamy

6. S.Perumal

.. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd Respondent to provide necessary police protection to restore possession of the property of the Petitioner in Old Survey No.226, New Sub Division Survey No.226/15, 16, Karasamangalam Village, Office of the Katpadi, Sub Registrar, Katpadi Taluk, Vellore District.

For Petitioner :Ms.B.Aparna

For Respondents :Mr.Mohammed Riyaz
Additional Public Prosecutor
for R1 & R2
R3 to R6-Not Appearance

ORDER

This petition has been filed seeking for police protection in order to restore the possession to the petitioner based on the complaint given by the petitioner on

2.The case of the petitioner is that she entered into an agreement of sale with the 3rd respondent in the year 2006. Since the 3rd respondent failed to fulfill his part of the obligation, a suit came to be filed in O.S.No.109 of 2009 for specific performance. According to the petitioner, the suit was decreed in her favour by Judgment and Decree dated 28.04.2010. Thereafter, a sale deed was executed in favour of the petitioner by the Execution Court by registered Sale Deed, dated 18.01.2011. The further case of the petitioner is that the possession was handed over to her through Court Bailiff on 21.08.2014.

3.It is stated that the respondents 3 to 6 trespassed into the property in the year 2017 and took illegal possession of the property. The petitioner gave a complaint in this regard requesting for restoring the possession. Since this complaint was not acted upon by the respondent police, the present petition has been filed before this Court seeking for appropriate directions.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 & 2.

5.In the considered view of this Court, involving the respondent police directly at this stage to restore possession to the petitioner may not be appropriate. The most appropriate procedure that requires to be followed by the petitioner is by filing an execution petition before the Sub Court, Vellore seeking for restoration of possession by bringing to the notice of the Court the entire facts. The Execution Court has to assess the entire materials and thereafter, pass orders in the execution petition. If required, the Execution Court can also order for police protection in order to restore possession to the petitioner.

6.In view of the above, the petitioner has to necessarily workout her remedy by filing an execution petition before the Sub Court, Vellore. The Execution Court shall enquire the same and pass final orders, within a period of three months from the date of filing of the execution petition.

7.This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
District Police Office Building, 2nd Floor,
Sathuvacheri,
Vellore - 632 009.

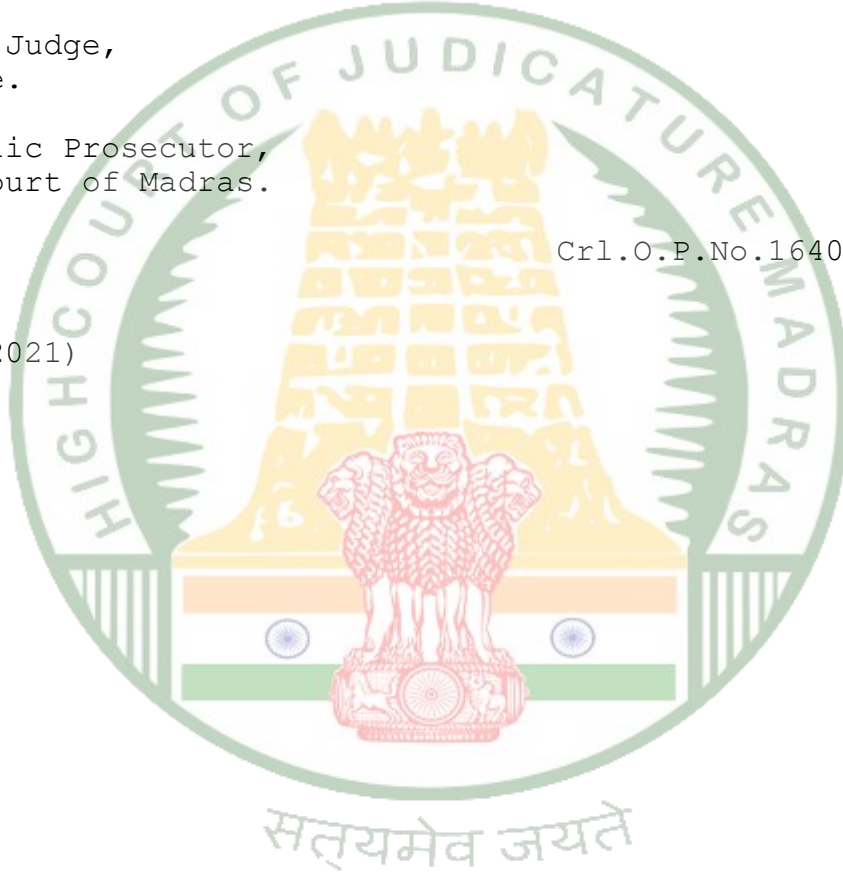
2. The Inspector of Police,
Latheri Police Station,
National Highway 234,
Katpadi Taluk,
Vellore District - 632 202.

3.The Sub Judge,
Vellore.

4.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.16401 of 2020

RLD(CO)
CB(26/02/2021)



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