

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.19097 of 2020

R.Pradhap

..Petitioner

.Vs.

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

3.Sundaram

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct 1st and 2nd respondents to grant police protection to the petitioner for the purpose of ploughing the lands for raising seasonal crops in Dry.S.No.34/1B-0.71.00 hectares (1 acre 77 cents) situate at Sithathur Thirukkai Village, Villupuram Taluk and for peaceful enjoyment of the same.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

for R 1 & R 2

Mr.C.Prabakaran

for R 3

O R D E R

This Criminal Original Petition has been filed seeking for police protection to the petitioner to enable the petitioner to do agricultural activities in the subject property without the interference of the 3rd respondent.

2.It is seen from records that a suit was filed against the 3rd respondent in O.S.No.173 of 2009, for the relief of declaration of title and permanent injunction before the Additional District Munsif Court, Villupuram and the suit was decreed in favour of the petitioner and his mother by a judgment and decree dated 14.08.2015. It is also seen that the petitioner moved an Execution Petition in E.P.No.129 of 2016, seeking for grant of Police Protection since the 3rd respondent was interfering with the possession and enjoyment of the petitioner's property. The Execution Court by an order dated 16.10.2020, allowed the petition and directed the Police to grant protection to the petitioner, if the 3rd respondent interferes with his possession.

3.The grievance of the petitioner is that inspite of the orders passed in the Execution Petition, the 3rd respondent is preventing the petitioner from doing the agricultural work in the property and is causing threat and therefore, the petitioner gave a complaint to the respondent Police on 13.11.2020. Inspite of the same since no action was taken, the present petition has been filed before this Court.

4.Mr.C.Prabakaran, learned counsel appearing on behalf of the 3rd respondent submitted that the 3rd respondent has filed an appeal against the judgment and decree passed in O.S.No.173 of 2009, with delay. The learned counsel further submitted that an Execution Application has also been filed before the E.P. Court, seeking for recalling the order passed on 16.10.2020 and the same is pending.

5.In the considered view of this Court, the decree of the Civil Court is in favour of the petitioner and the Execution Court has already directed the Police to give protection to the petitioner, if his possession and enjoyment is interfered by the 3rd respondent. Till this decree is reversed or stayed by a Competent Appellate Court, the 3rd respondent cannot act in such a manner violating the decree passed by a Competent Civil Court. The 3rd respondent has to necessarily workout his remedy only in accordance with law and he cannot cause threat to the petitioner who is said to be in possession and enjoyment of the property. A finding to that effect has been given by the Competent Civil Court and mere pendency of any application, cannot be a ground for the 3rd respondent to take law into his own hands.

6.In view of the above, there shall be a direction to the 2nd respondent to call the parties for an enquiry and

specifically instruct the 3rd respondent not to cause any threat or interfere with the property and to workout his remedy in accordance with law. If inspite of the same, any threat is exerted by the 3rd respondent, action shall be taken strictly in accordance with law. If the situation so warrants , Police Protection shall be given as directed by the Execution Court.

7.This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.N.Suresh,Advocate Sr.No.4428

AKM/11.02.2020/3P- 5C /

सत्यमेव जयते

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