

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P No.21315 of 2017

1. N.R.Jagannathan
2. J.Ashokan

Petitioners

vs.

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Natrampalli Police station,
Vellore District.

3. S.Palani
4. Yuvaraj
5. Paneerselvam
6. Saraswathi
7. Santhiya
8. Thilagavathi
9. Samraj
10. Samundi
11. Saravanan
12. Arivazhan
13. Rajugandhi
14. Sasikumar

.....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure for a direction to the respondent police 1st and 2nd considering the petitioner's representation dated 12.09.2017 and provide necessary police protection to the petitioner to put up fence and enjoying their property.

For Petitioner : Mr.V.Purushothaman

For Respondent : Mr.E.Raj Thilak
Counsel for Government
(Crl Side)

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police 1 and 2 to consider the petitioner's representation dated 12.09.2017 and provide necessary police protection to the petitioner to put up fence and enjoying their property.

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2. The brief case of the prosecution is that there was a Civil suit filed by the petitioners in O.S.No.652 of 1989, before the Principal District Munsif, Tirupattur, wherein the judgement and decree was passed in favour of the 1st petitioner on 08.08.1997.

Though the order was passed in favour of the 1st petitioner, 3rd respondent continuously disturbed the possession of the petitioners along with other respondents. At the Juncture, the 1st petitioner moved a contempt petition, wherein the 3rd respondent filed an undertaking that he will not disturb the possession of the petitioner. Thereafter, 3rd respondent continued to disturb the possession of the petitioner and therefore, the petitioner filed a suit in O.S.No.269 of 2013 before the Principal District Judge, Tirupattur for recovery of property. The said suit was also decreed in favour of the 1st petitioner. The execution warrant came to be issued by the Trial Court on 07.03.2021. While so, the respondents 3 to 13 without following the Court verdict, had trespassed in the petitioner's property and also prevented the petitioners from entering into their property by using the influence of 14th respondent, who is the Ex-counsellor. Left with no other option, the petitioners submitted a representation dated 12.09.2017. before the respondents 1 and 2. Since no action has been taken by the respondent police on the representation submitted by the

petitioners, the present petition has been filed before this Court.

3. The learned counsel for the petitioners submitted that subsequently the 3rd respondent along with other respondents is causing threat to the petitioners and also to the property. Therefore, a complaint was given to the respondent police seeking for police protection to fence up the property. Since the same has not been considered by the respondent police, the present petition has been filed before this Court seeking for police protection.

4. The learned counsel for the respondents 1 and 2 submitted that by passage of time, the relief sought for in this Criminal original petition has become infructuous and the 1st petitioner has died.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd petitioner to

submit a fresh representation to the respondent police. If any *prima facie* case has been made out, the respondent police shall consider and dispose of the same in accordance with law, within a period of two weeks from the date of receipt of copy of this order.

6. This Criminal Original petition is disposed of accordingly.

01.07.2021

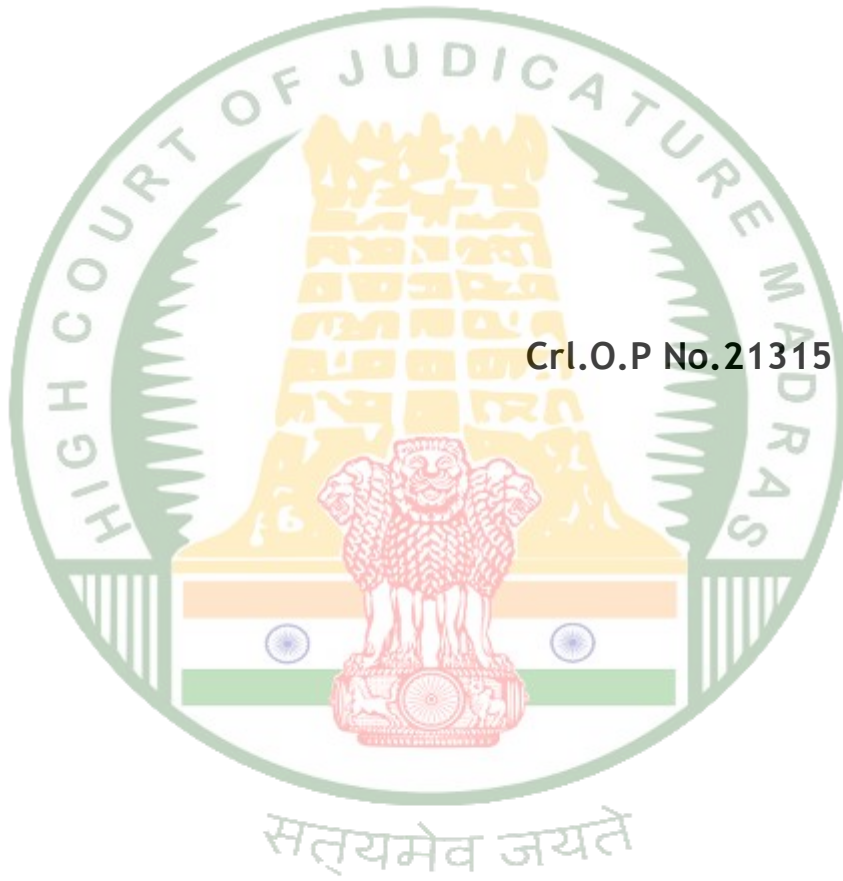
Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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

2. The Inspector of Police,
Natrampalli Police station,
Vellore District.

V.BHAVANI SUBBAROYAN.,J
rka



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