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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.16796 OF 2017

AND

CRL.M.P.NO.11312 OF 2017

1. Lalitha
2. Thangamani
3. R.Gopal
4. R.Karuppan
5. P.Aandavan
6. N.Latha
7. K.Nagaraj
8. V.Mala
9. N.Suresh
- 10.M.Ramu
- 11.T.Arumugam
- 12.R.Kannammal
- 13.R.Jothimani
- 14.R.Chandrakumar
- 15.Kanniyammal
- 16.S.Lakshmi
- 17.E.Ranganayagi
- 18.S.Mani
- 19.Noordhin
- 20.Rajamma
- 21.Thangamma
- 22.Jalia B.B.
- 23.Kamalam
- 24.Valliammal
- 25.Muniyamma
- 26.Raamathal

... Petitioners

.Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. Commissioner of Police,
Coimbatore City Police Station,
Coimbatore.



3. State by Inspector of Police,
Coimbatore City Police Station,
Coimbatore.

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to take suitable legal action against the persons engaged in the activity of demolishing the houses, setting fire to the houses and threatening the residents of the Muthu Mariamman Koil Street, Vadakovai, Coimbatore and direct the Police to give protection to the residents of their life and property.

For Petitioners : Mr.V.Logesh

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to take suitable legal action against the persons engaged in the activity of demolishing the houses, setting fire to the houses and threatening the residents of the Muthu Mariamman Koil Street, Vadakovai, Coimbatore and direct the Police to give protection to the residents of their life and property.

2.The case of the petitioners is that the petitioners are the residents of Muthu Mariamman Koil Street, Vadakovai, Sahs College, Coimbatore. They are in the possession of the property and are paying necessary statutory dues to the authorities concerned without any default. However, one Saradammal, Vijayakumar and others attempted to evict the petitioners using muscle power and money and disturbed their peaceful possession. Hence, they filed a suit in O.S.No.1709 of 1989 before the District Munsif Court, Coimbatore, for permanent injunction and the civil Court has granted permanent injunction by judgment and decree dated 21.08.1998 in favour of the petitioners, protecting their possession. The subsequent appeal filed by the said Saradammal, Vijayakumar and others in A.S.No.223 of 1998 before the II Additional District Judge, Coimbatore, also ended in dismissal, confirming the judgment and decree of the trial Court. But even thereafter, the said Saradammal, Vijayakumar and other land grabbers are trying to unlawfully evict the petitioners by using force, money and threat. The



representations given by the petitioners to the respondents/Police were of no avail. Therefore, the petitioners are constrained to move this Criminal Original Petition before this Court for a direction to the Police to provide protection to the lives and properties of the petitioners.

3. Heard the learned counsel on either side and perused the entire materials available on record.

4. This Court is of the view that such a general direction cannot be issued. Admittedly, as per the case of the petitioners, they have a decree of permanent injunction in their favour, protecting their possession. If at all any unlawful attempt is made by anyone to evict them from possession, they can very well enforce the decree before the Civil Court as against such persons, in accordance with law. In the event of any violence unleashed on the petitioners by anyone, it is always open to the petitioners to lodge an FIR before the concerned Police. In such view of the matter, this Court is not inclined to issue a blanket direction as such sought for in this petition.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Commissioner of Police,
Coimbatore City Police Station,
Coimbatore.



3. The Inspector of Police,
Coimbatore City Police Station,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16796 of 2017

RR (CO)
PM/05/01/2022