

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27401 of 2017

A.Rajappan
Power Agent of
(1) A.Sekar
(2) S.Vijaya

.. Petitioner

Vs.

1. State rep. by
The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu.

2. S.Anandan
Chairman,
Panayathamman Charitable Trust,
No.7, Vedehapureeswarar Thirukoil
Salai, Thiruverkadu
Poonamallee Taluk.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondent police to give necessary police protection to the petitioner and his associates for carry out the development work in the site of the properties in S.No.222/32 and 222/33 at Thiruverkadu Village, Thiruvallur District on the basis of the petitioner's complaint dated 30.11.2017.

For Petitioner : Mr.C.Arun Kumar
For Respondent No.1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For Respondent No.2 : Mr.C.Sadhasivam

ORDER

This petition has been filed seeking for police protection to the petitioner in order to enable the petitioner to carry on with the development activities in the subject property.

2.The case of the petitioner is that he is the power agent of the owners of the subject property. Initially, the 2nd respondent Trust was claiming a right over the subject property and a suit came to be filed in O.S.No.465 of 2014 before the learned Principal District Munsif at Poonamallee against the principals of the petitioner, seeking for relief for permanent injunction. This suit was dismissed for default on 02.06.2017.

3.Thereafter an attempt was made by the 2nd respondent and others to interfere with the possession and enjoyment of the property and hence the principals represented by the petitioner filed a suit in O.S.No.427 of 2016 before the Principal District Munsif, Poonmallee, seeking for the relief of declaration and permanent injunction. The suit was decreed by judgment and decree dated 28.07.2017. According to the petitioner, the decree has become final.

4.The grievance of the petitioner is that in spite of decree passed in favour of the petitioner, the 2nd respondent was continuing to exert threat and interfere with the possession and enjoyment of the property. Hence, a complaint came to be given before the respondent police seeking for police protection. A CSR receipt was also issued in CSR No.308 of 2017. Thereafter, no action was taken. Aggrieved by the same, the present petition has been filed before this Court.

5.Heard Mr.C.Arun Kumar, learned counsel appearing on behalf of the petitioner, Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the 1st respondent and Mr.C.Sadhasivam, learned Counsel appearing on behalf of the 2nd respondent.

6.In the considered view of this Court, there is a decree in favour of the petitioner passed by a competent civil court in OS.No.427 of 2016. This decree is said to have become final. Therefore, the 2nd respondent who is bound by the decree cannot take law into their own hands and cause threat to the petitioner.

7.In view of the above, the 1st respondent is directed to call the parties for an enquiry and specifically instruct the 2nd respondent and his men and agent not to cause any threat to the petitioner and not to interfere with the possession and enjoyment of the subject property. The 2nd respondent is directed to workout his remedy in the manner known to law. If in spite of such instructions given by the 1st respondent, the 2nd respondent indulges in causing any threat or interfere with the possession and enjoyment of the subject property, action shall be taken immediately in accordance with law. If required police protection shall also be given to the petitioner. The petitioner

is directed to make a fresh representation to the 1st respondent along with a copy of this order.

8.This criminal original petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
T-5, Thiruverkadu Police Station,
Thiruverkadu.
2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.N.Damodaran, Advocate SR.NO..16851

+2cc to Mr.C.Arun Kumar, Advocate SR.NO..17050

AKM/15.04.21/3P-7C/

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