



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.12.2021

CORAM

THE HONOURABLE **MR.JUSTICE G.ILANGO VAN**

Crl.O.P. (MD)No.6340 of 2019

Ramuthai

... Petitioner

Vs.

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

2. The Inspector of Police,
Elumalai Police Station,
Madurai District.

3. Paulpandi

4. Tamilpandi

... Respondents

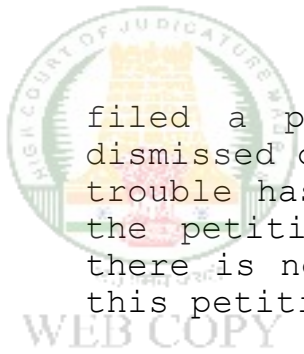
Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first and second respondents to give adequate police protection to the petitioner for entering into his property and for fencing the above property in S.F.No.721(wrongly mentioned as S.F.No.271) situated at Elumalai Village, Peraiyur Taluk, based upon the petitioner's complaint dated 07.01.2019.

For Petitioner : Mr.A.Muthumanickam
For R1 & R2 : Mr.R.Sivakumar,
Government Advocate (Crl.side)

ORDER

This criminal original petition has been filed to direct the first and second respondents to give adequate police protection to the petitioner for entering into his property and for fencing the above property in S.F.No.721(wrongly mentioned as S.F.No.271) situated at Elumalai Village, Peraiyur Taluk, based upon the petitioner's complaint dated 07.01.2019.

2.The case of the petitioner is that originally the above mentioned property belonged to one Kodanki Jakaya Naicker, who was granted patta by the jaminthar of Peraiyur. During that period, Errammal, who is the wife of the above said Kodanki Jakaya Naicker, was granded patta by the jamin administration. Thereafter, she executed will in favour of the petitioner. When dispute arose, a suit in O.S.No.517 of 2008 was filed by the petitioner seeking relief of declaration and recovery of possession against the father of the third and fourth respondent herein before the District Munsif Court, Thirumangalam. However, the respondent did not appear and hence, an ex-parte decree was also granted on 15.09.2010. Later, the father of the private respondents herein



filed a petition to set aside the ex-parte decree, which was dismissed on 07.03.2012. When the petitioner tried to put fencing, trouble has been made by the private respondents herein and hence, the petitioner made the representation dated 07.01.2019. Since there is no action, the petitioner approached this Court by way of this petition.

2.The learned counsel for the petitioner would submit that execution petition is pending before the District Munsif Court, Peraiyur.

3.When the execution proceedings is pending before the concerned Court, granting police protection to the petitioner's property may not arise. The petitioner has to workout his remedy before the concerned E.P. Court, in it the petitioner may take appropriate steps if any trouble has been made by the private respondents. With this liberty, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Elumalai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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