



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD) No.9328 of 2019

S.Raman

.. Petitioner

Vs.

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

2.The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.

3.Azhagi
W/o.Late.Nalliyappan @ Sarkarai Nalliappan

4.Rajendran

5.Lakshmi

6.Azhagi

D/o.Late.Nalliyappan @ Sarkarai Nalliappan

7.C.Mani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to give necessary police protection on the basis of the petitioner's complaint dated 10.06.2019.

For Petitioner	: Mr.P.Santhana Krishnan
For R1 & R2	: Mr.E.Antony Sahaya Prabhakar Additional Public Prosecutor
For R3 & R4	: Mr.S.Sarvagan Prabhu

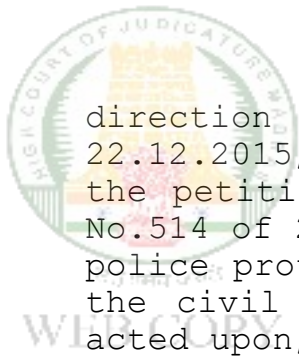
ORDER

This petition has been filed seeking direction to the respondents 1 and 2 to give necessary police protection on the basis of the petitioner complaint dated 10.06.2019.

2.The case of the petitioner is that the property in S.Nos.8/4, 4/16 & 8/8B, are situated in Ooralipatti Village, Natham Taluk, Dindigul District, belong to him exclusively. Since the private respondents 3 to 7 made disturbances he filed a suit in O.S.No.116 of 2006 before the District Munsif Court, Natham and the same was decreed in his favour on 30.06.2009, against which, A.S.No.108 of 2010 has been filed on the file of the Additional Sub Court, Dindigul, which was dismissed on 29.02.2012. Against the same, no second appeal has been preferred by the private respondents.

3.Thereafter, the petitioner moved E.A.No.13 of 2013 before the District Munsif Court, Natham and that was allowed by giving

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direction to the second respondent to give police protection. On 22.12.2015, the private respondents trespassed into the property of the petitioner and damaged the boundary stones. So a case in Crime No.514 of 2015 was also registered against them. Thereafter, seeking police protection on the basis of the order that has been passed by the civil Court he made a representation. Since the same was not acted upon, this petition came to be filed.

4.The learned counsel appearing for the private respondents present and submitted that in the order that has been passed by the trial Court in E.A.No.13 of 2013, no notice was issued to them. But however, he would submit that the petitioner is encroaching his property. But now by exercising the fruits of the decree in the above said suit, he is making encroachments in their land. If the private respondents are aggrieved by the alleged encroachment, they have to workout their remedy through appropriate proceedings.

5.Since already there is a direction that has been passed by the civil Court in E.A.No.13 of 2013, the second respondent shall comply the same.

6.With the above directions and liberty, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Munsif,
Natham.
- 2.The Superintendent of Police,
Dindigul District,
Dindigul.
- 3.The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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