



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Crl.O.P. (MD) No.14557 of 2021

WEB COPY

1.P.Deivendran

2.R.Selvam

3.R.Murugesan

... Petitioners

Vs.

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Vadamadurai police Station,
Dindigul District.

3.P.Nallathambi

4.P.Dhanalakshmi

5.P.Jothimani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent Nos.1 and 2 to provide necessary police protection for the petitioners in constructing the house in their patta land in S.No.244/1A in Pilathu Revenue Village, Dindigul District.

For Petitioners : Mr.S.Louis

For R1 and R2 : Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

This petition is filed seeking police protection for the purpose of constructing a house in S.No.244/1A situated at Pilathu Revenue Village, Dindigul District.

2.The learned counsel appearing for the petitioners would submit that the property belongs to this petitioners and all the revenue records and other relevant documents are standing in their name. The private respondents herein are the distant relatives and
<https://hscourts.gov.in/hscourts> services, they filed a suit in O.S.No.70 of 2017 before



the Sub Court, Vedanchandur, Dindigul District and still, it is pending.

3.An interlocutory application in I.A.No.155 of 2021 has also been filed restraining the petitioners herein from putting up any construction or alter the physical features of the property, which is under dispute. Since the petitioners are in possession of the property, no interim order has been passed by the aforesaid Court in the aforesaid pending matter. So, the petitioners are entitled to put up the construction, for which, they gave a representation seeking police help. Since there was no action, this petition came to be filed.

4.It is further submitted that the private respondents herein have already filed CrI.O.P.(MD) No.12727 of 2021 against the respondents 1 and 2 herein seeking order not to harass them. That was also dismissed as infructuous by this Court.

5.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that based upon the representation made by this petitioners, enquiry was undertaken and during the course of enquiry, finding that it is a civil dispute, it was closed, advising the parties to approach the appropriate civil Court for appropriate remedy.

6.However, the learned counsel for the petitioners would submit that since no interim order has been passed by the concerned Court, the petitioners have every right to construct the house.

7.Such request cannot be considered. Since the right over the property is under dispute, which was seized by the competent civil Court, the petitioners have to workout their remedy in the pending I.A.No.155 of 2021. Even though it has been filed by the private respondents herein seeking injunction against them, only after the civil Court order, if any necessity arises, the 2nd respondent may take steps. Without any civil Court order, the 2nd respondent cannot take any steps at request of the petitioners. I find no merit in this petition.

8.With the aforesaid liberty and observation, this petition stands dismissed.

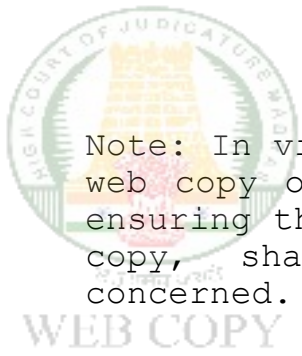
Sd/-

Assistant Registrar (W)

// 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,
O/o. the Superintendent of Police,
Dindigul,
Dindigul District.
- 2.The Inspector of Police,
Vadamadurai police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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_RD/JC(12.11.2021) 3P 4C