



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.11163 of 2017

WEB COPY

Russelraj

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Kollemcode Police Station
Kanyakumari District.

3.Nesamony

4.Kamala Bai

5.Gunamony

6.Rosily

7.Anilkumar

8.Sunilkumar

9.Ginikumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to provide adequate police protection for fencing the patta land of the petitioner in R.S.No.2/1C in Adaikakuzhi Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.S.Sivakumar

For Respondent :Mr.S.Chandrasekar for R1 & R2
No appearance for R3 to R9

O R D E R

This petition has been filed seeking for police protection in order to fence the properties belonging to the petitioner.

2.It is seen from records that a suit was filed in O.S.No.55/1977 for partition and a share came to be allotted in favour of the father of the petitioner. The father of the petitioner



died on 16.01.2005 and the judgment of the civil Court has also become final. A final decree was also passed on 29.01.2014.

3.Pursuant to the passing of the final decree, the petitioner filed E.P.No.66/2014 for delivery of possession and it was also effected in favour of the petitioner on 15.10.2015. When the petitioner was attempting to fence the property, the private respondents had caused threat and interfered with the possession and enjoyment of the property. Hence, a complaint was given seeking for police protection and since the same was not considered, the present petition has been filed before this Court.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the respondents.

5.The learned Additional Public Prosecutor, on instructions, submitted that the parties were called for an enquiry and both of them informed the police that they will work out their remedy before the Court.

6.In view of the decree that was passed in favour of the petitioner's father and was executed by the petitioner and delivery of possession was also effected in favour of the petitioner, the private respondents will not have the right to interfere with the property and prevent the petitioner from fencing the property.

7.In view of the above, there shall be a direction to the second respondent to call the parties for an enquiry and instruct the private respondents not to interfere with the possession and enjoyment of the properties and not to cause threat to the petitioner. If required, the second respondent shall provide police protection to enable the petitioner to fence the property.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Superintendent of Police,
Kanyakumari District.



2.The Inspector of Police,
Kollemcode Police Station
Kanyakumari District.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-89337[F] dated 25/09/2019)

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VB(25.10.2019) 3P 5C