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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8164 OF 2022

K.Balu @ Balakrishnan

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
T4, Maduravoyal Police Station,
Maduravoyal, Chennai 600 095.

2. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai 600 095.

3. R.Bharanikumar

... Respondents

PRAYER:

The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Inspector of Police, T4 Maduravoyal Police Station, Chennai 600 095 to give police protection for the petitioner to enter into his land in Survey No.201B, New P.H.Road, Maduravoyal, Chennai 600 095.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.V.Meganathan,
Government Advocate (Crl. side)
for R1 & R2.

O R D E R

This Criminal Original Petition has been filed to direct the Inspector of Police, T4 Maduravoyal Police Station, Chennai 600 095 to give police protection for the petitioner to enter into his land in Survey No.201B, New P.H.Road, Maduravoyal, Chennai 600 095.



2. The learned counsel appearing for the petitioner would submit that the vacant land in Survey No.201B to an extent of 2565 sq.ft. No.1, Perumal Koil Street is belongs to the petitioner. The said land was given by Karnam of Maduravoyal on 12.11.1980 by way of an house site ownership certificate for the total extent of 20 cents, in which, 2565 sq.ft., is a part. The petitioner is in possession and enjoyment of the land by paying property tax and other revenue dues to the revenue authorities concerned. The petitioner also obtained home loan of Rs.3,000/- by mortgaging the land document in Survey No.201B at No.1, Perumal Koil Street, P.H.Road, Maduravoyal, Chennai 600 095 with the Rural Co-operative Housing Society Ltd., Saidapet. The said mortgage was also discharged by the petitioner. Thereafter, one Yasodha Devi W/o.M.V.Rajappan, who claimed ownership of the same land in Survey No.201B at No.1, Perumal Koil Street, P.H.Road, Maduravoyal, disturbed the possession of the land belongs to the petitioner during 2012. The said Yasodha had executed a settlement deed on 13.02.2012 vide Doc.No.779/2012 and alleged to have settled the land belongs to the petitioner in favour of his son one R.Bharanikumar/third respondent. Since the settlement deed dated 13.02.2012 was a sham and nominal document, the petitioner had filed O.S.No.487/2016 before the Principal District Munsif Court at Poonamalle and the Court by Judgment and Decree dated 05.01.2019, declared that the settlement deed in favour of the third respondent is null and void.

3. Learned counsel would further submit that in order to disturb the peaceful possession of the petitioner, the third respondent in order to circumvent the Civil Court order dated 05.01.2019, had entered into a sale agreement in favour of one George of Maduravoyal. The said George along with his brothers Manoharan, Amose are creating problem with the petitioner. He would further submit that the petitioner had given a complaint to the Respondent police to take appropriate action whereas, no action has been taken by the respondent police. Thereby, the present petition has been filed seeking for police protection.

4. Mr.V.Meganathan, Government Advocate (crl.side) appearing for the first and second respondents would submit that earlier the petitioner had filed petition to register the case in Crl.O.P.No.3536 of 2022 and this Court by order dated 18.02.2022, had directed the petitioner to approach the jurisdictional Court under Section 156(3). He would further submit that the respondents will conduct an enquiry based on the documents and if necessary, appropriate protection will be given to the petitioner.



5. Recording the same, this Criminal Original Petition stands disposed of with a direction to the respondent police to take into consideration the decree and judgment passed by the Principal District Munsif Poonamalle in O.S.No.487 of 2016 dated 05.01.2019 and conduct enquiry and dispose the same in accordance with law.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Assistant Commissioner of Police,
T4, Maduravoyal Police Station,
Maduravoyal, Chennai 600 095.
2. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai 600 095.
3. The Public Prosecutor,
High Court of Madras.

Copy To

The Principal District Munsif, Poonamalle.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.24330

Cr1.O.P.No.8164 of 2022

PL(CO)
PM/27/04/2022