

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.19628 of 2021

1. Anumandala Praveen  
2. I.D.Abraham  
3. S.Barani ... Petitioners

Vs.

1. The State Represented by  
The Inspector of Police,  
Viruthampetu Police Station,  
Gandhi Nagar, Vellore-632 007.

2. B.Mohammed Anwar ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to give police protection to the petitioners at the time of measurement of their property comprised in Survey No.194/2 and 178/1 Senur Village, Katpadi Taluk, Vellore District by the Government Surveyor in pursuant to a letter dated 16.09.2021 submitted by the petitioners to the respondent.

For Petitioner : Mr.T.P.Prabakaran

For Respondents:

For R1 : Mr.L.Baskaran,  
Government Advocate (Cr1.Side)

For R2 : Mr.Balan Haridas

O R D E R

This petition has been filed by the petitioner seeking a direction to the respondent police protection to give police protection to the petitioners at the time of measurement of their property comprised in Survey No.194/2 and 178/1 Senur Village, Katpadi Taluk, Vellore District by the Government Surveyor in pursuant to a letter dated 16.09.2021 submitted by the petitioners to the respondent .

2. The case of the petition is that the first petitioner has purchased the property premises comprised in Survey No.194/2 situated at Senur Village measuring to an extent of 2.14 acres and another in Survey No.178/1 at Senur Village measuring an extent of 0.35 acres by registered Document No.3935 of 1996. Thereafter, she executed the power of attorney on 29.09.2019 in favour of the second respondent herein on the strength of the power of attorney, the second respondent has sold out the said property to various persons in the year 2000 itself. After the period of five years,, the petitioner has filed a suit in O.S.No.70 of 2015 on the file of the District Munsif Court, Katpadi for declaration declaring the power of attorney executed by her dated 20.09.2019 as null and void and also for permanent injunction in respect of the subject property. The said suit was dismissed by the trial court. Aggrieved by the same, the first petitioner preferred an appeal suit in AS.No.14 of 2019 on the file of the Sub Court Vellore. The said appeal suit was allowed and the suit filed by the first petitioner was decreed in her favour. Now, the petitioner has intended to fence the property and seeking police protection on the hands of the second respondent herein.

3. The learned counsel for the second respondent has submitted that on the strength of the power of attorney, the first petitioner dated 20.09.1999 he executed various sale deeds in favour of various persons in the year 2000. Now, the purchasers are in possession and enjoyment of their respective property. Therefore, the petitioner is not in possession and enjoyment of the property and police protection cannot be provided to fence the subject property. That apart, the petitioner has filed a petition to set aside the judgment and decree passed in appeal suit in AS.No.14 of 2019 in I.A.No.1 of 2019 on the file of the Additional Sub Court, Vellore and it is pending. When the petitioner are in possession of the subject property they cannot give police protection and police protection cannot be provided to the petitioner to fence the subject property. That apart, it was in possession and it was in possession of third parties on various sale deeds. Therefore, it is devoid of merits and liable to be dismissed.

4. Accordingly, this Criminal Original Petition is dismissed.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,  
Viruthampetu Police Station,  
Gandhi Nagar, Vellore-632 007.

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.33972

+1cc to Mr.Balanharidas, Advocate, S.R.No.33663

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SKM(CO)

SB(13/07/2022)