



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P. (MD)No.1525 of 2022

R.M.S.Rahamuthullah

...Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District.

2.The Sub Collector,
Office of Sub Collector,
Aranthangi Taluk,
Pudukkottai District.

3.The Sub Inspector of Police,
Jegathapattinam Police Station,
Jegathapattinam,
Pudukkottai District.

4.Ramalingaswamy

...Respondents

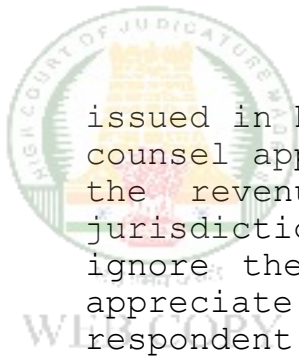
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first and second respondent to direct the third respondent to give necessary police protection to the petitioner for harvesting paddy in his lands in Survey No.31/2A by considering his representation dated 20.12.2021 and 22.01.2022, within the period stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen, Advocate
For R1 to R3	:	Mr.B.Thanga Aravindh Government Advocate(Crl.Side)
For R4	:	Mr.G.M.Xavier, Advocate

ORDER

Heard the learned Counsel for the petitioner and learned Government Advocate(Crl.Side) for the respondents 1 to 3 and learned counsel for the fourth respondent.

2.The petitioner seeks grant of police protection. In support of his claim, the petitioner has enclosed copies of the decrees



issued in his favour by the jurisdictional civil Courts. The learned counsel appearing for the fourth respondent would contend that since the revenue Court is seized of the matter, the civil Court jurisdiction stood barred and that therefore this Court will have to ignore the decrees issued by the civil Court. I am not able to appreciate the contention of the learned counsel for the fourth respondent.

3.It is seen that the petitioner filed O.S.No.172/2010 before the District Munsif Court, Aranthangi. The petitioner sought for the relief of declaration and permanent injunction and it was decreed on 24.09.2014. Challenging the same, the fourth respondent filed A.S.No.143 of 2017 before the Sub Court. The first appellate court dismissed the appeal filed by the fourth respondent dated 24.11.2020. More than one year and three months have lapsed. The fourth respondent ought to have filed Second Appeal challenging the same.

4.Therefore, this Court cannot, in these proceedings, go into the validity of the aforesaid decrees. Therefore, the third respondent is directed to give protection to the petitioner, so that, the petitioner can enjoy the benefits of the aforesaid decree. This direction is issued only to enable the petitioner for harvest purposes. It does not mean that the third respondent should stand guard for eternity. The Criminal Original Petition is allowed on these terms.

5.It is stated by the learned counsel for the fourth respondent that the petition filed by him before the Revenue Court/Special Deputy Thasildar, Trichy is pending. The said authority is directed to dispose of the petition said to have been filed by the fourth respondent on merits and in accordance with law within sixteen weeks from the date of receipt of copy of this order. The Registry is directed to mark the copy of this said order to the Special Deputy Thasildar/Revenue Court, Trichy.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

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.



1.The Superintendent of Police,
Office of Superintendent of Police,
Pudukkottai District.

2.The Sub Collector,
Office of Sub Collector,
Aranthangi Taluk,
Pudukkottai District.

3.The Sub Inspector of Police,
Jegathapattinam Police Station,
Jegathapattinam,
Pudukkottai District.

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

COPY TO:

The Special Deputy Thasildar,
Revenue Court,
Trichy.

Crl.O.P. (MD)No.1525 of 2022

Date:31.01.2022

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