



Crl.O.P.(MD) No.12054 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12054 of 2022

K.Vijayakumaran

... Petitioner

Vs

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
4. Pichi
5. Ponnappan
6. Rosammal
7. Subramanian
8. Chandran
9. Packiyanathan
10. Padmanaban

... Respondents



Crl.O.P.(MD) No.12054 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the respondents 1 to 3 to give adequate police protection for constructing the compound wall in respect of petitioner's property comprised in S.No.1498, Plot J and New S.No.543/5C measuring to an extent of 24 cents situated at Pacode A Village Vilavancode Taluk, Kanyakumari District on the basis of Civil Court decree based on the petitioner's representation, dated 14.06.2022.

For Petitioner : Mr.K.Samidurai

For R1 to R3 : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to the respondents 1 to 3 to give adequate police protection for constructing the compound wall in respect of petitioner's property comprised in S.No.1498, Plot J and New S.No.543/5C measuring to an extent of 24 cents situated at Pacode A Village Vilavancode Taluk, Kanyakumari District on the basis of Civil Court decree based on the petitioner's representation, dated 14.06.2022.



Crl.O.P.(MD) No.12054 of 2022

2. The learned counsel for the petitioner submitted that there was a civil dispute between the vendor of petitioner's father namely Rengasamy and the respondents 4 to 10 and a suit for partition was filed in O.S.No. 417/1121, on the file of the Principal District Munsif Court, Kuzhithurai and it was decreed on 25.06.1960 in favour of the vendor of petitioner's father, who was allotted to a share in Pacode A Village comprised in S.No. 1498, Plot J and New S.No.543/5C measuring to an extent of 24 cents and other properties are also allotted. The petitioner's father died. After his death, the above said property was in the exclusive possession and enjoyment of the petitioner. He further submitted that the respondents 4 to 10 filed a suit for partition in O.S.No.14 of 1980, on the file of the learned Principal Subordinate Judge, Kuzhithurai. After trial, the suit was dismissed, on 16.02.1981. Aggrieved against the same, the first appeal was filed by the respondents 4 to 10 in A.S.No.82 of 1981 before the Principal District Court, Kanyakumari, Nagercoil and the Appeal was also dismissed on 13.03.1996, confirming the decision of the trial Court. Challenging the same, the respondents 4 to 10 filed the Second Appeal in S.A.No.1134 of 1996, before the Hon'ble Madras High Court. Based on the evidence on record, this Court while, confirming the judgment of the Courts below,



CrI.O.P.(MD) No.12054 of 2022

dismissed the said Second Appeal with regard to the disputed property.

Now, while constructing the compound wall, the respondents 4 to 10 prevented the petitioner. Hence, the petitioner has filed this petition seeking police protection.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 submitted that the representation of the petitioner's dated 14.06.2022 is pending for enquiry.

4. I have considered the rival submissions and on perusal of the records, it is seen that the fact that there is a civil dispute between the vendor of petitioner's father and the respondents 4 to 10. In this connection, the respondents 4 to 10 filed a suit for partition in O.S.No.14 of 1980 on the file of the learned Principal Subordinate Judge, Kuzhithurai, which was dismissed with regard to the disputed property. After trial, the suit was dismissed, on 16.02.1981. Aggrieved against the same, the respondents 4 to 10 filed the first appeal in A.S.No.82 of 1981 before the Principal District Court, Kanyakumari and the same was also dismissed, on 13.03.1996,



Crl.O.P.(MD) No.12054 of 2022

confirming the judgment of the trial Court. Challenging the same, the respondents 4 to 10 filed the Second Appeal in S.A.No.1134 of 1996, and this Court, by judgment dated 24.06.2022, confirmed the judgment of the Courts below and dismissed the Second Appeal with regard to the disputed property. In these circumstances, the petitioner had prevented from constructing the compound wall in the said property. Hence, he seeks police protection.

5. Considering the above facts and circumstances, the third respondent police is hereby directed to consider the petitioner's representation, dated 14.06.2022, to provide police protection for constructing the compound wall in the said property and pass orders on merits in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of. .

06.07.2022

Internet: Yes./No
Index: Yes/no
ebsi



WEB COPY



Crl.O.P.(MD) No.12054 of 2022

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.
3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.12054 of 2022

V.SIVAGNANAM, J.

ebsi

ORDER IN
CRL.O.P (MD) No.12054 of 2022

06.07.2022