



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD)No.17408 of 2021

and

Cr.M.P. (MD)No.9455 of 2021

Suppuram

... Petitioner

Vs.

1.The State represented by
The Superintendant of Police,
Tenkasi District.

2.The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.

3.Ramasuppu

4.Sankarappan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent to award adequate police protection so as to enable the petitioner to be in peaceful possession in Survey No.1730/1, 1730/4, 1742, 2268/1, 22, 52, 1776 of Kalingapatti Village, Sankarankovil Taluk, Tirunelveli District, on the strength of the judgment and decree in O.S.No.341 of 2013 passed by the learned Additional District Munsif, Sankarankovil, Tirunelveli District, dated 05.11.2015 based on his representation, dated 16.09.2021.

For Petitioner : Mr.R.L.Dhilipan Pandian

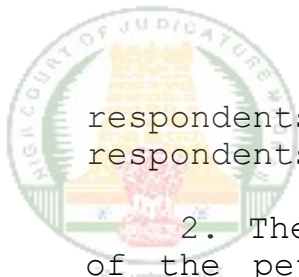
For Respondents : Mr.B.Thanga Aravind
Government Advocate (CrI.Side) for R.1 & R.2

Mr.K.K.samy for R.3 & R.4

ORDER

Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the

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respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

2. The petitioner seeks grant of police protection in respect of the petition mentioned properties. The petitioner is enjoying decree in his favour. He filed O.S.No.341 of 2013 on the file of Additional District Munsif Court, Sankarankovil, Tirunelveli District, against the private respondents herein and it was decreed on 05.11.2015. By the said decree, the private respondents herein have been restrained from interfering with the petitioner's possession and enjoyment of the suit properties.

3. The learned counsel appearing for the private respondents would point out that this decree has been put to challenge in A.S.No.6 of 2016 before the Sub Court, Sankarankovil, Tirunelveli District and they are still pending. He would also state that another partition suit has also been filed against the petitioner herein.

4. Be that as it may, as on date, there is an enforceable decree in favour of the petitioner herein. Even though the private respondents have filed the first appeal wayback in the year 2016, till date they have not obtained any interim order. Therefore, the second respondent is directed to give police protection in favour of the petitioner herein, so that, he can enjoy the fruits of the judgment and decree made in O.S.No.314 of 2013 on the file of Additional District Munsif Court, Sankarankovil. But, the police protection will be available only for the purpose of harvest and not for any other purpose.

5. However, this order cannot be enjoyed for eternity by the petitioner. The first appellate Court, Sankarankovil, is directed to dispose of A.S.No.6 of 2016 on merits and in accordance with law within a period of three months from date of receipt of copy of this order. The respective rights of the parties will abide by the outcome of the said first appeal. This Criminal Original Petition is allowed with the aforesaid direction. Consequently, connected miscellaneous petition is closed.

Sd/-

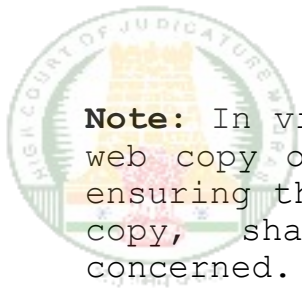
Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

1. The Additional District Munsif,
Sankarankovil,
Tirunelveli District.
2. The Sub Court, Sankarankovil.
3. The Superintendant of Police,
Tenkasi District.
4. The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD/CK(07.02.2022) 3P 6C