



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04/04/2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.15977 of 2019

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V.R.Y.Anandha Kumar

: Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.

2.The Inspector General of Police,
Central Zone,
Kajamalai,
Edamalaipatti Pudur,
Tiruchirappalli,
Tamil Nadu-620 023.

3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pattukottai Sub-Division,
Thanjavur District.

5.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

: Respondents

6.Vellaichamy
(Amended as per the order of
this court , dated 04/09/2020
in Crl.MP(MD)No.10082 of 2019
in Crl.OP(MD)No.15977 of 2019)

... Respondent / Intervenor

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents to provide adequate armed police protection to the petitioner and his family residing at Madhu Sri Akkabai Ammani Charitable Trust, 73/116, Big Bazaar Street, Pattukottai Town, Pattukottai and also consequently direct the respondents to provide adequate armed police protection to execute the civil decrees of the court below.



For Petitioner : Mr.Niranjan S Kumar
For R1to R5 : Mr.SS.Madhavan
Government Advocate
(Criminal side)

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For 6th Respondent : Mr.G.Mariappan

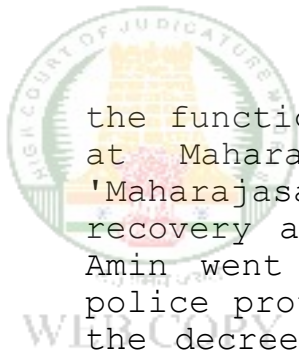
O R D E R

This criminal original petition is filed by the petitioner seeking direction to provide armed police protection to him and his family members, residing in Madhu Sri Akkabai Ammani Charitable Trust and subsequently, directing the official respondents to provide armed police protection to execute the civil decree.

2.The facts in brief:-

The petitioner is the Hereditary Trustee of Madhu Sri Akkabai Ammani Charitable Trust, Pattukottai. The Trust was originally formed and founded by Madhu Sri Akkubai Ammani Rao and purchased the above Inam lands from Brahmins in between the year 1813 to 1820. They endowed the property, which was purchased by her to the Trust for the purpose of administration, welfare and development of the Trust. Out of the above said purchase of lands, 200 acres of lands were gifted to 10 Hindu temples and 4 Muslim Dhargas. During the year 1964 the British Government had issued a Title Deed for a portion of the properties. The Trust was having iruvaram rights over the above said lands and were leased out to several persons for cultivation.

3.After the independence of India, the lands were taken over as per the provisions of the Madras Estate Land Act 2/1947 and followed by Tamil Nadu Estates (Abolition and Conversion Into Ryotwari) Act 1948. The take over lands were challenged and finally, the Division Bench of this court, confirmed the right, title and possession of the Trust in A.S Nos.223 and 292 of 1956. Taking advantage of the above said litigation, number of leaseholders stopped the payment of rent. So because of the above said litigation and non payment of the lease amount, the Trust ran into financial loss. Several suits nearing 540 were filed seeking recovery of possession. These suits were filed as pauper original petitions. Most of the suits ended in favour of the Trust upto to the second appeal stage and remaining cases are now pending. The petitioner has been recognised as a Trustee of the above Charity. Most of the properties are in the hands of the rich people, compromising in political and anti-social elements. Because of the continuous litigation and decrees for recovery of possession, enmity has developed. The petitioner is to appear before various authorities in connection with the Trust administration. They also have to attend



the functions in Thanjavur and North India. The tenants of the Trust at Maharajasamudhram Village, formed the Association called 'Maharajasamudram Redeeming committee' and they make protest for the recovery activities of the Trust. On one occasion, when the court Amin went for effecting delivery, because of the urgency of the police protection, delivery could not be executed. While executing the decree in O.S No.341 of 1975, the village people gathered and tried to attack the petitioner and court officials as well as the revenue authorities. So, a case in Crime No.907 of 2003 was registered on the file of the Pattukottai Police Station. On one occasion, after taking delivery, the judgment debtors entered into the property and created trouble, which resulted in a subsequent incident, for which also a case was registered by the Pattukottai Town Police. So because of the above said continuous trouble, the petitioner and his family members are in fear of their life. Considering the above said situation, the Deputy Superintendent of Police, Pattukottai also directed to provide police protection to the petitioner and his family members, by order, dated 08/03/2001. The Revenue Divisional Officer has also passed such a similar order.

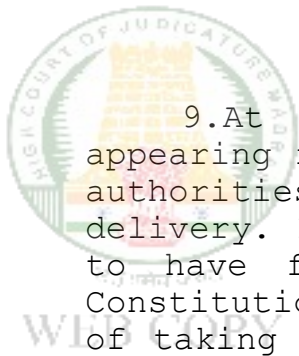
4.E.P No.47 of 2010, 11 of 2015 and 17 of 2015 are pending before the trial court. Delivery warrant was issued. Even though the police protection was ordered, they are not coming forward to give protection, for which also, a case in Crime No.257 of 2019 was registered. So, apprehending the continuous trouble, not only in protecting the life of the petitioner, but also in getting the property delivered, he sent a representation, dated 07/08/2019. But that was not considered properly. So this petition is filed for the above reliefs.

5.Intervening petition was filed by one Mr.Vellaichamy and that was allowed by this court, by order, dated 04/09/2020. He was also permitted to argue the matter. After allowing the above said petition, he has also filed additional typed set of papers.

6.Heard both sides.

7.When the petition was argued, this court made a specific query to the learned counsel appearing for the petitioner, as to how the armed police protection for effecting the civil court decree can be granted by this court. For that, he would submit that in spite of repeated warrants, that have been issued by the trial court, those could not be carried out, because of the continuous trouble that has been made by the judgment debtors. He has also narrated several events, as mentioned in the preamble portion of this order.

8.No doubt that trouble has been created, not only by the judgment debtors, but also by the villagers while executing the court decrees. It is also stated that still the execution petitions are pending before the trial court.



9.At one point of time, according to the learned counsel appearing for the petitioner, police protection was ordered, but the authorities failed to comply the above said order for executing the delivery. If such is the grievance of the petitioner, then he ought to have filed proper petition by invoking Article 227 of the Constitution of India for proper relief. But this petitioner instead of taking such steps and recourse, straightway filed this petition under section 482 Cr.P.C.

10.It is further submitted that if the court decree has been granted, police protection must be given for enforcement of civil court orders. In support of his contention, he would rely upon the decision of this court in the case of **Radhika Sri Hari and another Vs. Commissioner of Police, Coimbatore (2014(2) CTC 695**. But the issue involved in this matter is entirely different.

11.As mentioned earlier, the petitioner can invoke the Article 227 of the Constitution of India. But certainly, he cannot invoke the section 482 Cr.P.C for the purpose of effecting the civil court decree, which is not permissible in law.

12.When this was pointed to the learned counsel appearing for the petitioner, he has submitted that he will restrict his claim with regard to granting of armed police protection to the petitioner and his family members.

13.The learned counsel appearing for the intervener would submit that absolutely, there is no objection to pass the above said order, if the petitioner apprehends any threat to his life. But with regard to the police protection for effecting delivery, this court has no power. So, the objection that has been made by the intervener, as mentioned earlier, is acceptable.

14.It is further submitted by the learned counsel appearing for the intervener that several persons have put up pucca construction in the property and settled, unless the petitioner takes step for removing the obstructions, the court cannot execute the order. He has also produced the order copy passed by this court in CMP(MD) No.9583 of 2019 in CRP(MD)No. 1874 of 2019, dated 18/10/2019, which was filed by one S.V.Anand, who was the obstructor to the execution proceedings.

15.But whether that CRP(MD)No.1874 of 2019 has been disposed of or not is not clear on record. Now whatever, it may be, as mentioned earlier, the the petitioner has to work out his remedy only in the pending proceedings.

16.The learned Government Advocate (Criminal side) would submit that trouble that has been created by the judgment debtors as well as the villagers, while effecting the delivery is true. Even the police authorities are not in a position to face the situation.



17.No doubt that extraordinary situation has been created by the judgment debtors as well as the villagers. It is for the court, which is dealing with the execution petition to take effective steps. But, as mentioned earlier, the relief that can be granted is only the police protection to the petitioner and his family members.

18.The learned counsel appearing for the petitioner would rely upon the order that has been passed by the Revenue Divisional Officer, Pattukottai to provide police protection to the petitioner and his family members. The Inspector of Police, Pattukottai, has replied stating that depending upon the situation, police protection will be granted, whenever trouble arises and on intimation. In respect of permanent police protection, they have to approach the Superintendent of Police, as per law, which is, dated 21/07/2001. Again another request was made to the Home Secretary, Chennai and that was also forwarded to the concerned police Department, which, is dated 10/03/2011. Again another order was passed by the Revenue Divisional Officer, dated 21/04/2013 requesting the police officials to provide police protection and subsequently, representations were also made continuously to various authorities. As has been set out in the typed set of papers, the petitioner has also moved Crl.OP(MD)No.1717 of 2015 before this court seeking police protection. That was dismissed as not pressed, on 12/02/2015. The Superintendent of Police, Thanjavur, has passed an order directing the petitioner to remit the requisite fees for providing police protection. The total fee of Rs.60,960/- was ordered to be remitted. It appears that, that was with reference to the protection for making delivery. In 2019 also, the petitioner has filed a petition before the District Munsif Court, Pattukottai, in EA No.13 of 2019 seeking police protection for effecting the delivery. The subsequent developments are with reference to the delivery warrants and returns made by the Court Amins, which are not relevant for our consideration, for the reasons stated above.

19.Finally, seeking police protection to the petitioner and his family members, he made a representation on 14/08/2019, which was also addressed to several authorities, including the Inspector of Police, Pattukottai. Now the grievance of the petitioner is that, that was not properly attended and no action has been taken. Pursuant to which, this petition has been filed.

20.Section 13 of the Police Act reads as follows:-

"13.Additional Police-officers employed at cost of individuals.--It shall be lawful for the Inspector-General of Police, or any Deputy Inspector-General, or Assistant Inspector-General, or for the District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police-



general police-district, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of person making the application."

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21. Section 13 provides for grant of police protection to the individual. The ground on which that can be granted is the threat perspective.

22. From the perusal of the records and the documents produced as stated above, it is seen that the petitioner and his family members are facing trouble at the hands of the judgment debtors as well as the villagers and in more than one occasion also, even the Revenue Authorities also suggested police protection to the petitioner and his family members.

23. So I am of the considered view that a direction can be issued to the Superintendent of Police, Thanjavur to consider the representation, that has been made by the petitioner within a period of 15 days from the date of receipt of a copy of this order and after ascertaining, the threat, police protection may be granted to the petitioner and his family members. The compliance report must be submitted to the Registry.

24. With the above direction, this criminal original petition is **ordered**.

Sd/-

Assistant Registrar ()

// True Copy //

/ /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.



To,

- 1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai.
- 2.The Inspector General of Police,
Central Zone,
Kajamalai,
Edamalaipatti Pudur,
Tiruchirappalli,
Tamil Nadu-620 023.
- 3.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pattukottai Sub-Division,
Thanjavur District.
- 5.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To

- 1 The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.
- 2 The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-16477[F] dated 05/04/2022)

+1 CC to M/s.G. MARIAPPAN, Advocate (SR-16490[F] dated 05/04/2022)

Crl.O.P. (MD)No.15877 of 2019
04/04/2022

MK/06.06.2022/7P/11C