



Crl.O.P.No.8359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8359 of 2023

G.Balakrishnan

... Petitioner

Vs.

1.The State represented by
Station House Officer,
Neravy Police Station,
Karaikal.

2.R.Arputham

3.R.Chelladurai

4.R.Mohan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent police to give adequate police protection to the petitioner for constructing the compound wall in the petitioner's property comprised in R.S.No.136/11, Old Sy.No.579, 580, Keezhmanai (Uzhiyapathu) Village, Neravy Commune Panchayat, Neravy Sub Registration District, Neravy, Puduchery.



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For Petitioner : Mr.T.Saikrishnan
For R-1 : Mr.Ramachandra Murthy
Additional Public Prosecutor (Puducherry)
For R-2 : Mr.K.Govi Ganesan

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent police to give adequate police protection to the petitioner for constructing the compound wall in the petitioner's property comprised in R.S.No.136/11, Old Sy.No.579, 580, Keezhmanai (Uzhiyapathu) Village, Neravy Commune Panchayat, Neravy Sub Registration District, Neravy, Puduchery.

2. Learned counsel for the petitioner submitted that, there was a dispute in connection with the property in O.S.No.20 of 2010 between the petitioner and respondents 2 to 4. Therefore, petitioner filed a Suit in O.S.No.20 of 2010, seeking declaration that, the petitioner is the absolute owner of the said property and for consequential permanent injunction restraining the respondents 2 to 4 from interfering with the petitioner's possession and enjoyment of the suit property. After contest suit was decreed in favour of the petitioner on 28.10.2011. The respondents 2 to 4 and one Rajagopal filed an Appeal in A.S.No.168 of 2012 against the said judgment. Petitioner filed



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E.P.No.32 of 2012 in O.S.No.20 of 2010 for violating the Court order. Order of

arrest was passed against respondents 2 to 4. Against the said order, respondents 2 to 4 and one Rajagopal filed C.R.P.No.1674 of 2015. Both A.S.No.168 of 2012 and C.R.P.No.1674 of 2015 were taken up together for hearing and were dismissed for default for non-prosecution. During the pendency of Appeal, Rajagopal died. After failing in civil forums, respondents 2 to 4 are still interfering with the possession and enjoyment of the suit property by the petitioner and they are preventing petitioner from constructing a compound wall. Therefore, this petition is filed for the aforesaid relief.

3. Learned counsel for the 1st respondent submitted that, earlier a petition in CrI.O.P.No.26065 of 2017 filed by the petitioner for police protection was dismissed. Thus, he prays for dismissal of this petition.

4. Learned counsel for the respondents 2 to 4 seeks time to file counter.

5. In view of the facts narrated above, this Court finds that, the respondents 2 to 4 had lost before the Trial Court and Appellate Court. Even if the counter is filed, no useful purpose would be served. Therefore, this Court directs the 1st respondent to consider the petitioner's representation dated



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04.12.2022 and provide necessary police protection, as per the procedure established by law.

6. Accordingly, this Criminal Original Petition is allowed.

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Index:Yes/No

Speaking/Non speaking order

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- 1.Station House Officer,
Neravy Police Station,
Karaikal.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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