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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25313 of 2023

Mrs.D.Alamelu

... Petitioner

Vs.

1.The Inspector of Police,
SIPCOT Police Station,
Gummidipoondi,
Tiruvallur District.

2.E.Prabhu

3.E.Rajesh

... Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent to give Police protection, based on three grounds, firstly, based on an order of interim injunction made in I.A.No.2 of 2022 in O.S.No.30 of 2022, dated 13.09.2022 passed by the Learned District Munsif, Gummidipoondi, secondly, based on an order passed in Crl.OP.No.9785 of 2023, dated 04.05.2023, passed by this Court, finally, based on the fresh representation dated 23.08.2023 sent to the 1st respondent for the limited purpose to raise compound wall at property of the petitioner in order to stop from illegal occupation cum usage of her property at hands of the respondents 2 and 3.



For Petitioner : Mr.S.S.Kumar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to direct the 1st respondent to give Police protection, based on three grounds, firstly, based on an order of interim injunction made in I.A.No.2 of 2022 in O.S.No.30 of 2022, dated 13.09.2022 passed by the Learned District Munsif, Gummidipoondi, secondly, based on an order passed in Crl.OP.No.9785 of 2023, dated 04.05.2023, passed by this Court, finally, based on the fresh representation dated 23.08.2023 sent to the 1st respondent for the limited purpose to raise compound wall at property of the petitioner in order to stop from illegal occupation cum usage of her property at hands of the respondents 2 and 3.

2. The petitioner herein is the title owner of the piece of a land at Gummidipoondi. It appears that she has entered into a sale agreement with the respondents 2 and 3, but the agreement did not fortify. Hence, she has returned the advance money to the 2nd and 3rd respondents.



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3. In such circumstances, since there was disturbance to the peaceful enjoyment of the property, the petitioner herein has approached the District Munsif Court, Gummidipoondi seeking permanent injunction. In her suit O.S. No.30 of 2022, interim injunction in I.A.No.2 of 2022 on 13.09.2022.

4. The grievance of the petitioner is that to avoid further disturbance to the peaceful enjoyment, she wants to put up compound wall in order to fence to the land. Therefore, she seeks for Police protection in order to stop any illegal occupation from the usage of the property at the hands of the respondents 2 and 3.

5. This Court after perusing the records and the affidavit filed in respect of the petition is of the opinion that since the Civil Court has already seized up the matter, it is appropriate for the petitioner herein to file an application for putting fence in the suit property in order to prevent infiltration by the third parties. Since already the Trial Court has granted interim injunction, constructing compound wall around the property may also leads to altering the physical feature of the property, which is now under dispute. It is also found in affidavit that the respondents 2 and 3 has filed a



Suit for specific performance in O.S.No.128 of 2022 on the file of Additional District Judge at Ponneri.

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6. In the said circumstances, this Criminal Original Petition is disposed of giving liberty to the petitioner to approach the Civil Court, where the suit is already pending and seek for necessary relief of protection to the property.

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Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

1.The District Munsif,
Gummidipoondi

2.The Inspector of Police,
SIPCOT Police Station,
Gummidipoondi,
Tiruvallur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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