



Crl.O.P.(MD)No.9413 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.9413 of 2023

S.Ramar

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli.

3.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli.

4.R.Balaiah

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 to 3 to give a police protection for the petitioner's life and limb and removing the obstruction caused by the fourth respondent in the irrigation canal situated in S.No.66/1A2 and 68/4 at Kiriymalpuram Village, Cheranmahadevi Taluk, Tirunelveli District, which is the western boundary of the petitioner's land in S.No. 66/1A3 on the basis of the judgment and decree passed in O.S.No.96 of 2020 before the District Munsif Court, Cheranmahadevi and the petitioner's representation dated 16.05.2023 and in accordance with law.



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For Petitioner : Mr.A.Jeyakumar
For Respondents : Mr.S.S.Madhavan
Government Advocate (crl.side)
for R1 to R3
Mr.C.Saravanakumar for R4

ORDER

This Criminal Original Petition is filed seeking for police protection against the respondent No.4 in respect of the land belonging to the petitioner in Survey Nos.66/1A2 and 68/4 situated at Kiriymalpuram Village, Cheranmahadevi Taluk, Tirunelveli District

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner and the unofficial respondent are neighboring landholders and there are disputes in respect of enjoyment of the property. The petitioner stated to have filed O.S.No.96 of 2020 before the District Munsif Court, Cheranmahadevi, seeking permanent injunction against the respondent No.4 and the same was decreed *ex-parte* and even then, the respondent No.4 is still making interference in the enjoyment of the petitioner.

3. The petitioner has filed an application before the third respondent Police to provide protection for implementation of the



injunction order, but, the same was not considered, thereby, sought for suitable directions.

4. The learned counsel appearing for the fourth respondent submits that the petitioner is seeking police protection basing on the ex-parte decree and that the fourth respondent has filed an application for setting aside the ex-parte decree and the same was pending for enquiry, thereby, he sought for not to direct the respondents Police to provide police protection until the application filed by him before the competent Court is decided.

5. The learned Government Advocate (criminal side) appearing for the official respondents that the petition filed by the petitioner was enquired into and ultimately, after recording the submissions of the petitioner and the fourth respondent, the same was closed.

6. The petitioner is entitled for police protection for implementing the ex-parte decree granting injunction in his favour against the fourth respondent. As long as there is no stay or the ex-parte decree is set aside, the petitioner can still insist for providing police protection.



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7. Accordingly, this Criminal Original Petition is allowed and the respondents Police are directed to provide suitable protection until the ex-parte decree is set aside by the Competent Court.

01.08.2023

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The Superintendent of Police,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli.
- 3.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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