



Crl.O.P.(MD) No.2577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2577 of 2024

S.Jebakani

...Petitioner

VS

**1.The Superintendent of Police,
Tirunelveli District.**

**2.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.**

3.Esakki Raj

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondent Police to give police protection for the Petitioner's life and limb by considering the Petitioner's representation dated 31.01.2024.

For Petitioner	: Mr.A.Jeyakumar
For R1 & R2	: Mr.M.Veeranthiran
	Government Advocate (Crl.side)



Crl.O.P.(MD) No.2577 of 2024

ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had purchased the property from the third Respondent. The property was a building, wherein there were tenants. As per the recitals in the sale deed, the third Respondent undertook to evict the tenants and hand over the possession, but he had not acted as per the recitals in the sale deed. Therefore, the Petitioner sought intervention of the Police to evict the tenants. Since the Police had not acted on the representation of the Petitioner, the Petitioner seeks directions from this Court to the Respondents 1 and 2.

2.The learned Government Advocate (Crl.side) on instructions of the Respondents 1 and 2, would submit that the Petitioner had purchased the property through a registered sale deed dated 22.12.2022 from the third Respondent. It is his further submission that at the time of sale, there were tenants in the property. The third Respondent as seller agreed to evict the tenants. The tenants of the third Respondent had not vacated the building. Therefore, the Petitioner approached the second Respondent seeking to evict the tenants based on the sale deed. He would further submit that the



CrI.O.P.(MD) No.2577 of 2024

second Respondent in C.No.G3/01332/57/24 issued summons to the tenants of the third Respondent. They undertook to approach the civil Court and seek remedy. Therefore, the petition was closed on 22.01.2024.

3.The submission of the learned Counsel for the Petitioner cannot at all be accepted considering his valuable rights and the powers of the Civil Court for enforcement of violation in the recitals, which are in favour of the Petitioner. It has to be enforced only through the Civil Court. Instead, he had approached the Police for enforcing his civil rights, which a Court only can do. He had approached the wrong forum and thereby, sought enforcement of the same through the powers exercised by this Court under Section 482 of Cr.P.C. This Court exercising powers under Section 482 Cr.P.C. cannot order the Police to evict the tenants from the building, but that had been in occupation of the tenants, for which there are separate laws to evict the tenants from the properties. The Petitioner's contention is found not applicable for enforcement of any civil right through exercising the inherent powers of this Court under Section 482 Cr.P.C.



Crl.O.P.(MD) No.2577 of 2024

Accordingly, this Criminal Original Petition is dismissed with a direction to the Petitioner to approach the Civil Court for enforcement of the valuable right of the Petitioner as per the recitals in the sale deed.

Internet: Yes./No

19.02.2024

Index: Yes/No

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To

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



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Crl.O.P.(MD) No.2577 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

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CRL.O.P (MD) No.2577 of 2024

19.02.2024