



Crl.O.P.(MD)No.14621 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.14621 of 2022

Anna Selvam

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Anjugamam Police Station,
Kanyakumari District.

3.Sivasubramanian

4.Athi Lingam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent Nos.1 and 2 to provide adequate police protection to construct the compound wall in the petitioner's land situated in Survey No.400/14 A measuring to an extent of four cents in Marungoor Village, Agastheewsaram Taluk, Kanyakumari District.

For petitioner

: Ms.Nithya Sowmya
for Mr.Niranjana S.Kumar

For R-1 & R-2

: Mr.P.Kottaichamy,
Government Advocate



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Crl.O.P.(MD)No.14621 of 2022

(Criminal Side)

ORDER

This petition has been filed for a direction to respondent Nos.1 and 2 to provide adequate police protection to construct the compound wall in the petitioner's land situated in Survey No.400/14 A measuring to an extent of four cents in Marungoor Village, Agastheewsaram Taluk, Kanyakumari District.

2. The case of the petitioner is that the petitioner's husband, viz., Nanthagopal had purchased a property in Survey No.400/14 A measuring an extent of 4 cents, situated at Marungoor Village, Agastheewsaram Taluk, Kanyakumari District, through a registered sale deed in Document No.1803 of 1985 dated 05.03.1985. Thereafter, the petitioner's husband died on 12.04.1987. After obtaining the death certificate, the petitioner had approached the revenue officials and mutated the revenue records in her name and her son's name. In order to prevent the said property from the illegal encroachers, the petitioner has decided to construct the compound wall in the said property. While so, the petitioner's husband brother / third respondent has illegally trespassed into the petitioner's property and blocked the pathway to access the said property. Therefore, the petitioner filed a suit in O.S.No.



1341 of 1989 before the learned District Munsif, Nagercoil and the same was decreed in favour of the petitioner. But the third respondent has prevented the petitioner from constructing the compound wall. Hence, this petition has been filed to provide adequate Police protection to her.

3. The learned counsel appearing for the petitioner would submit that the issue arises in the present case is no longer *res integra*. The same was considered by this Court in the case of ***Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore*** reported in ***2014 (2) CTC 695***, wherein this Court has observed that under G.O.Ms.No.1580, Home (Pol.VII) Department, dated 24.11.2008, when Police protection is sought for the implementation of a Civil Court Order, it should be given readily. Police should not insist on a specific Court direction to give Police Protection. However, contra to the said Government Order, the respondent refused to give Police protection to the petitioner and it is not sustainable one.

4. The learned Additional Public Prosecutor would submit that the suit was decreed in favour of the petitioner in the year 1989. He would further submit that if the decree is not modified or interfered by any Lower Court, necessary Police protection will be given to the petitioner.



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CrI.O.P.(MD)No.14621 of 2022



5. Since no adverse order is going to be passed as against the third and fourth respondents, notice to the third and fourth respondents is dispensed with.

6. In view of the above, the respondent is directed to give Police protection in terms of the decree in O.S.No.1341 of 1989, on the file of the learned District Munsif, Nagercoil, if there is no legal impediment.

7. Accordingly, the Criminal Original Petition stands disposed of.

08.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Anjugamam Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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