



Crl.O.P.(MD)No.15458 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.15458 of 2023

S.N.P.Panneerselvam

... Petitioner

vs.

1.The Assistant Commissioner of Police,
Thirupparankundram, Madurai District.

2.The Inspector of Police,
Thiru Nagar Police Station (Law & Order)
Madurai.

3.A.Manjula

... Respondents

Prayer:- Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to provide adequate police protection to the petitioner and his family members to carry out the construction work in his house plot, situated in R.No.100/3 at Plot No.1, Ward No.94, Periyar Street, Thanikai Nagar, Madurai as per the decree granted in O.S.No.82/2011 before the District Munsif Court, Thirumangalam dated 12.12.2016.

For Petitioner	: Mr.N.Marimuthu
For R1 & R2	: Mrs.M.Aasha
	Government Advocate (Crl. side)



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ORDER

The petitioner is seeking protection to carry out the construction of his house in plot bearing S.No.100/3 at Plot No.1, Ward No.94, Periyar Street, Thanikai Nagar, Madurai.

2.It is the case of the petitioner that the third respondent herein, A.Manujala and persons claiming through her are interfering and are not permitting him to put up construction in the property. The petitioner purchased the property by way of a registered sale deed dated 16.02.2023 from one Pounraj. It can be seen that in respect of the very same R.S.No. 100/3, the petitioner's vendor's father, namely, Pounraj had filed a civil suit in O.S.No.82 of 2011 on the file of the District Munsif Court, Thirumangalam and by a decree dated 12.12.2016, permanent injunction restraining the third respondent herein, namely, Manjula from in any manner interfering with the possession and enjoyment of the suit property has been granted. Therefore, when the petitioner's vendor has got an injunction as against the said Manjula, once again, the said Manjula cannot interfere with the construction with reference to the said property. It is seen



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that upon interference, the petitioner specifically lodged a complaint. But no action was taken. Therefore, the petitioner approached the learned Judicial Magistrate No.6, Madurai in Cr.M.P.No.3326 of 2023 in which, the following orders are passed:

“Order pronounced. Heard. Records Perused.

From the averments of the complainant and as well as from the document produced herewith it would clear that there is sufficient grounds to believe that there is commission of cognizable offences as alleged in the complainant. The nature of offence as narrated in the complainant is necessitated an investigation by an investigation agencies, since there is need of collection of evidences. Hence, it is decided to forward the complainant to the investigating agency for making investigation.

In the result, this application is forwarded to SHO-Thirunagar (L&O) P.S., Madurai, u/s.156(3) Cr.P.C. for making an investigation. While doing so, the investigating agency is directed to follow the dictum laid down in LALITHAKUMARI'S Case by the Honorable Apex Court. The report should be filed on or before.”

3.Inspite thereof, when the matter came up for hearing today, the learned Government Advocate (Crl. side) would produce a report alleged to have been submitted by the Investigating Officer to the Court. Inspite of



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the direction by the learned Magistrate, the Investigating Officer took upon himself to conduct only a preliminary enquiry without registering any case. Secondly, he also ignores the decree which is granted already and only quotes the countersuit which is now filed by the said Manjula in O.S.No. 603 of 2010 which is said to be pending. In any event, the matter is before the learned Magistrate, the learned Magistrate will issue appropriate orders.

4.As far as this petition is concerned, it seeks police protection. The petitioner is the subsequent purchaser of a decree holder. As such, the respondent police is duty bound to give protection to the petitioner. When the said Manjula has been permanently enjoined by the civil court by a decree, and when she interferes, it is for the respondent police to give protection, unless and otherwise, the said Manjula gets any order in her favor in the Civil Court by way of filing an appeal, or in any other proceedings.

5.In view thereof, the petition stands allowed. The respondent police is directed to grant protection strictly in terms of the decree dated



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12.02.2016 in O.S.No.82 of 2011 on the file of the District Munsif Court,

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Thirumangalam.

23.09.2024

NCC : No
sji

To

- 1.The District Munsif Court, Thirumangalam.
- 2.The Assistant Commissioner of Police,
Thirupparankundram, Madurai District.
- 3.The Inspector of Police,
Thiru Nagar Police Station (Law & Order)
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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