



CrI.O.P.(MD)No.4779 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

CrI.O.P.(MD)No.4779 of 2025

Ramalakshmi

... Petitioner

Vs.

1. Leonald

2. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 2nd respondent not to interfere in the civil dispute and not to disturb the petitioner's possession and enjoyment of the property bearing survey No.293/1A to an extent of 4 acres and 95 cents situated at V.V.R.Nagar, Sayalkudi,Ramnad.

For Petitioner : Mr.U.Antony Santhosh

For R-1 : Mr. P.S.Palanivel Rajan
Senior Advocate

for Mr. M.Thilagar

For R-2 : Mr.M.Sakthi Kumar

Government Advocate (CrI. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the second respondent not to interfere in the civil dispute and not to disturb the petitioner's possession and enjoyment of the property in S.No. 293/1A to an extent of 4 acres and 95 cents situated at V.V.R.Nagar, Sayalkudi, Ramanathapuram District.

2. The learned counsel appearing for the petitioner would submit that the petitioner is in possession and enjoyment of the property in S.No. 293/1A to an extent of 4 acres and 95 cents situated at V.V.R.Nagar, Sayalkudi, Ramanathapuram District and the first respondent filed a suit in O.S.No.17 of 2014 before the Munsif Court, Mudukulathur and obtained decree on 23.04.2019 and the said judgment and decree is under challenge before the Sub Court in A.S.No.11 of 2023. While so, the first respondent filed a writ petition before this Court seeking direction to provide police protection for fencing the property and this Court also allowed the petition. Prior to that the first respondent filed Crl.O.P(MD) No.9176 of 2023 and the same was dismissed by directing the first respondent to work out the remedy before the civil Court. Suppressing the same, the petitioner filed petition in Crl.O.P(MD) No.2219 of 2024, thereafter now taking advantage of the above said order, during pendency of the appeal the second respondent



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police interfered with the civil dispute by disturbing the petitioner's peaceful possession and enjoyment of the petitioner, therefore filed this petition.

3. The learned counsel appearing for the first respondent would submit the first respondent is the owner of the property and he filed a suit in O.S No.17 of 2014 and the same was decreed in this favour. Thereafter the petitioner preferred an appeal before the Sub Court in A.S. No. 11 of 2023 and the same is pending. Thereafter the petitioner filed Crl.O.P.No.2219 of 2024. Thereafter this Court passed order affording opportunity to both the parties and granted police protection since the petitioner has decree in his favour and no any interim order to stay the operation of the decree. This Court also granted liberty to the petitioner to take appropriate steps under Section 144 of C.P.C., if appeal is ended in favour of the petitioner. Thereafter this Court protected the right of the parties and passed order without affecting right of the parties. Now the second respondent police based on the order passed by this Court while granting police protection filed this petition as against the order of this Court, therefore this petition is liable to be dismissed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that the first respondent herein filed petition in



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Crl.O.P(MD) No.2219 of 2024 seeking police protection to fence the property and this Court also passed order dated 18.02.2025 by directing the respondent police to give police protection to the petitioner to fence the property, thereby the first respondent approached the second respondent for police protection now the petitioner filed this petition.

5. Heard both sides and perused the materials available on record.

6. The prayer sought for in the petition is to direct the second respondent not to disturb the petitioner's peaceful possession and enjoyment over the property. According to the respondent they got decree and thereby sought for police protection to fence the property and this Court also passed order by directing the second respondent to grant police protection for fencing the property. The petitioner herein is arrayed second respondent in that petition. While so, the petitioner also represented through his counsel. Once the petitioner participated in the proceedings, it is for the petitioner to challenge the order of this Court in the manner known to law. Without challenging the said order the petitioner filed this petition for directing the second respondent not to interfere in the civil dispute . If any suppression made by the first respondent in the above said Crl.O.P(MD) No.2219 of 2024, the petitioner can take appropriate steps as against the above said suppression before this Court and challenge the said order in the manner



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known to law. Without doing so, now filed this petition not to harass and direct the second respondent not to interfered in the civil dispute. This Court passed order only granting police protection for fencing the property, therefore it is for the petitioner to take appropriate steps to challenge the order passed by this Court if any suppression of facts.

7. With the above observation the petition stands dismissed.

14.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Mac/aav

To

1. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram.

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



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P. DHANABAL. J,

Mac/aav

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