



Crl.O.P.(MD)No.22194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.22194 of 2024

A.Leonald

.. Petitioner

Vs.

1. The Inspector of Police
Sayalkudi Police Station
Ramanathapuram District

2. Ramalakshmi
3. Karthigai Murugan
4. Mariyappan
5. Saravanakumar

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to provide adequate police protection to the petitioner based on his complaint dated 22.10.2024 for fencing the lands in S.No.293/1A to an extent of 4acres and 95 cents situated at V.V.R. Nagar, Sayalkudi, Ramanathapuram District.

For Petitioner : Mrs.N.Krishnaveni, Senior Counsel
for Mr.M.Thilagar

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)
No.2 to 5 : Mr.K.C.Ramalingam



Crl.O.P.(MD)No.22194 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the first respondent to provide adequate police protection to the petitioner based on his complaint dated 22.10.2024 for fencing the lands 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 Senior Counsel appearing for the petitioner would submit that the petitioner is the owner 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. There are more than 250 palm trees available in the said land. While so, in the year 2014 the respondents 2 to 5 trespassed into the property of the petitioner and used to loot toddy and palm juice from the trees illegally and sold to others. The said Saravanakumar was working as Constable. Thereafter due to evil mind the fifth respondent insisted his mother Ramalakshmi, his brother Karthigai Murugan, his uncle Mariappan to file a suit for declaration and permanent injunction against the family members of the petitioner in O.S.No.185 of 2019 on the file of the District Munsif Court, Kadaladi and the said suit was dismissed for default on 11.01.2023. Thereafter petition was filed to restore the suit



WEB COPY

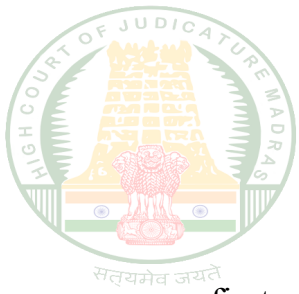
and the same is pending before the Court. Already the petitioner and his uncle S.T.Manoharan filed a suit against respondents 2 to 4 in O.S.No.17 of 2014 before the Munsif Court, Muthukulathur for permanent injunction restraining the defendants from claiming right over the parties. The said suit was decreed in favour of the petitioner and his uncle through decree and judgment dated 23.04.2019. Thereafter the uncle of the petitioner Manoharan sold his share to the petitioner by sale deed dated 11.01.2023 and patta was also issued in the name of the petitioner. The respondents 2 to 4 herein also preferred an appeal in A.S. No.11 of 2023 before the Sub Court, Muthukulathur and the same is also pending and no any interim order passed in the said appeal. The respondents 2 to 4 illegally trespassed into the petitioner's property and looted toody and palm juice, thereby First Information Report has been registered in Crime No. 101 of 2015 for the offences under Sections 447,379,294(b) and 506(ii)of IPC and the same is also pending. Therefore the petitioner sought for police protection to his family to enter into land in S.No.293/1A and the same was closed by directing the parties to work out their remedy before the Civil Court. The petitioner has valid decree in his favour. While so the order of the civil Court has to be obliged by the private respondents but they have not obliged the order of the Court. Again the petitioner filed a petition before



Crl.O.P.(MD)No.22194 of 2024

this Court in W.P(MD) No.20283 of 2023 and this Court by an order dated 22.08.2023 directed the authorities to dispose of the petitioner's representation as early as possible not later than two weeks. Thereafter on 22.10.2024 the petitioner sent a complaint to the first respondent for fencing his property in S.No.293/1A to an extent of 4 acres and 95 cents at V.V.R. Nagar, Sayalkudi, Ramanathapuram District, but no action has been taken on the petitioner's complain, hence the present petition has been filed.

3. The learned counsel appearing for the respondents 2 to 5 would submit that there is a civil dispute pending between the parties and already the petitioner and his uncle filed a suit in O.S. No.17 of 2014 on the file of the District Munsif Court, Muthukulathur and the same was decreed on 23.04.2019 in favour of the petitioner and his uncle. However the respondents 2 to 4 preferred an appeal in A.S.No.11 of 2023 on the file of the Sub Court, Muthukulathur and the same is pending for adjudication. During the pendency of the appeal the petitioner has attempted to fence the property illegally. Therefore for the disputed property police protection cannot be given.



WEB COPY

4. The learned Government Advocate(Crl.side) appearing for the first respondent would submit that there is a civil dispute pending between the parties. Though the petitioner has decree in his favour, since appeal is pending before the appellate Court, they are unable to give police protection for fencing the land.

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

6. In this case there is a civil dispute pending between the parties in respect of disputed property and now the petitioner want to fence the property. Already the petitioner and his uncle filed a suit in O.S. No.17 of 2014 on the file of the District Munsif Court, Muthukulathur and the same was decreed on 23.04.2019 in favour of the petitioner and his uncle. However the respondents 2 to 4 preferred an appeal in A.S.No.11 of 2023 on the file of the Sub Court, Muthukulathur and the same is pending for adjudication. There is no stay of operation of the decree by the appellate Court and therefore the decree is still in force. Since the petitioner has civil decree in his favour in order to protect his property the petitioner attempted to fence over the property. Though appeal is pending till the disposal of the appeal the decree passed by the trial Court is in force



therefore the petitioner has decree in his favour and therefore it is the duty of the police to give protection for fencing the land.

WEB COPY

7. The learned Senior Counsel appearing for the petitioner also relied on the judgments of this Court:

a)V.Duraisamy .vs. The Inspector of Police, Mettupalayam Police Station, Mettupalayam and others in W.P.No.15250 of 2017

b) M.Manimaran .vs. The Commissioner of Police, Trichy District and others in W.P(MD) No.10742 of 2019

c)V.Gurusamy .vs. The Superintendent of Police, Tenkasi District and others in W.P(MD) No.17135 of 2024

8. On a careful perusal of the above said judgments it is clear that when the police protection is sought for implementation of the civil court it should be readily given and the police should not insist for court direction to give police protection. In the case on hand also the petitioner has decree in his favour and though the appeal is pending there is no stay of operation of the decree and thereby the decree is still in force. Therefore it the duty of the police to give police protection but they have not given police protection, therefore he has approached this Court.



Crl.O.P.(MD)No.22194 of 2024

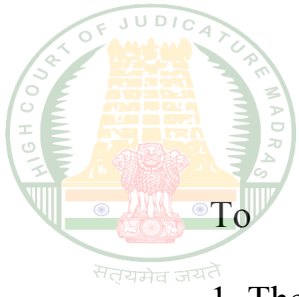
WEB COPY

9. In view of the above discussions, this Court is of the opinion that the petitioner is entitled to the relief of police protection and the first respondent is directed to give police protection to the petitioner to fence the property and the petitioner is also directed to approach the police by fixing a particular date. It is also to be noted that if the appeal is allowed the respondents 2 to 5 are entitled to relief under Section 144 of the Code of Civil Procedure and they are at liberty to take appropriate steps in the manner known to law.

10. The Criminal Original Petition stands allowed with the above direction. No costs.

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav



Crl.O.P.(MD)No.22194 of 2024

1. The Inspector of Police
Sayalkudi Police Station
Ramanathapuram District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22194 of 2024

P.DHANABAL,J.

aaV

Crl.O.P.(MD)No.22194 of 2024

18.02.2025