

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM

The Hon'ble Mr. Justice R.S.RAMANATHAN

Crl.O.P.No.3316 of 2015

T.Vijaya Kumar

... Petitioner

vs.

1.The Inspector of Police (L&O)
T-14, Mangadu Police Station,
Chennai-600 122.

2.The Commissioner of Police,
No.132, E.V.K.Sampath Salai,
Vepery, Chennai-600 007.

... Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd respondent herein to give police protection for the life and safety of the petitioner, his family members and his workmen at the land in Survey No.23/1 & 23/2 of Gerugambakkam Village, Sriperumputhur Taluk, Kancheepuram District and initiate action against the offenders in accordance with law, on the basis of the petitioner's complaint to the second respondent dated 09.12.2014.

For Petitioner : Mr.P.M.Duraisamy

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed, seeking a direction to the second respondent herein to give police protection for the life and safety of the petitioner, his family members and his workmen at the land in Survey Nos.23/1 & 23/2 of Gerugambakkam Village, Sriperumputhur Taluk, Kancheepuram District and initiate action against the offenders in accordance with law, on the basis of the petitioner's complaint to the second respondent dated 09.12.2014.

2. It is submitted by the learned counsel for the petitioner that the petitioner's son filed a suit in O.S.No.325/2014 on the file of the District Munsif Court, Sriperumputhur against one Vasigaran and Tamilvanan in respect of 65 cents in Old Survey No.23 (western part), New Survey No.23/2, situated at Gerugambakkam Village in Sriperumbudur Taluk, Kanchipuram District and the defendants were restrained by an order of injunction from interfering with the construction of compound wall by the plaintiff on the road side of 'A' and 'B' Schedule property. When the petitioner made arrangements to put up compound wall, it was prevented by the defendants and they were also aided by police and therefore, this petition is filed.

3. The learned Additional Public Prosecutor representing the respondents-Police submitted that a report was received from Tahsildar, Sriperumbudur, wherein it has been stated that as per the report of the Taluk Surveyor, the petitioner's son has encroached some portion on the road side.

4. According to me, even assuming that the petitioner's son has encroached some portion on the road side, it is open to the Government to take action against the petitioner or his son for encroachment and the respondents cannot permit the defendants in O.S.No.325/2014 from preventing the petitioner from raising the compound wall as per the decree passed in the said Original Suit.

5. Hence, this Criminal Original Petition is allowed and the respondents are directed to give police protection to the petitioner in constructing the compound wall in the property mentioned in O.S.No.325/2014 on the file of the District Munsif Court, Sriperumputhur and if the petitioner has encroached upon any Government property, it is open to the Government authorities to take action against the petitioner.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

jvm

To

1.The Inspector of Police (L&O)
T-14, Mangadu Police Station,
Chennai-600 122.

2.The Commissioner of Police,
No.132, E.V.K.Sampath Salai,
Vepery, Chennai-600 007

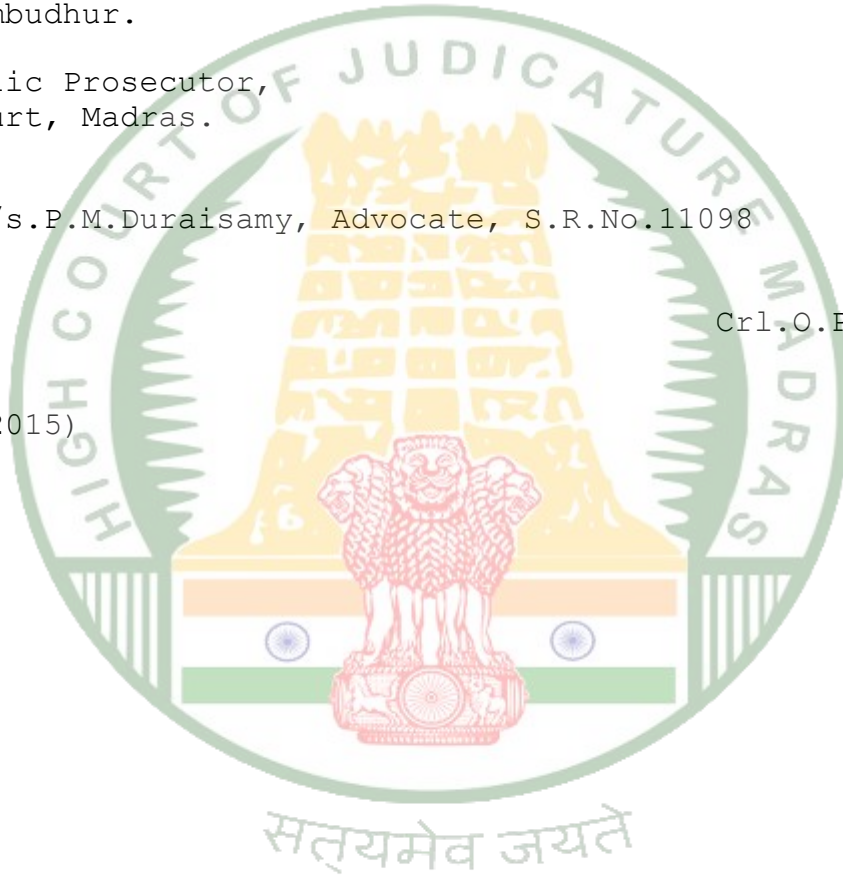
3.The District Munsif,
Sriperumbudhur.

4.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.P.M.Duraisamy, Advocate, S.R.No.11098

Cr1.O.P.No.3316 of 2015

RSI (CO)
CA(11/03/2015)



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