

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2015

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.11047 and 11048 of 2015

P.M.Sebastian .. Petitioner in both Crl.O.Ps.

Vs

State by
The Inspector of Police,
Koyambedu Police Station
Chennai 92 ... Respondent in both Crl.O.Ps.

Prayer in Crl.O.P.No.11047/2015:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register the complaint dated 21.04.2015 and investigate the same which was received by the respondent herein in the interest of justice.

Prayer in Crl.O.P.No.11048/2015:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to provide police protection to H-88 shops in Koyambedu Market Chennai - 600 092 in the interest of justice.

For Petitioner :Mr.C.Rajan
For Respondent :Mr.C.Emalias,
Additional Public Prosecutor
For Intervener :Mr.K.Seetharaman

COMMON ORDER

Seeking a direction to the respondent police to register the complaint dated 21.04.2015 and investigate the same and also for providing police protection to H-88 shop in Koyambedu Market, Chennai - 600 092 in the interest of justice, the petitioner has come up with these petitions.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. On reading of the complaint, it is seen that the opposite parties are trying to forcibly take possession of the petitioner's shop, Godown H-88 in Vegetable Market, Koyamebdu. The allegations made in the complaint are very serious.

4. Hence, the respondent police is directed to enquire into the complaint dated 21.4.2015 lodged by the petitioner and take action in accordance with the law laid down by the Honourable Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]., and also afford sufficient protection to the petitioner's properties.

5. After the above order was dictated in the open Court and before it was signed, Mr.Seetharaman, learned counsel appearing for the Intervener submitted that the matter should be re-heard. Therefore, this Court directed the matter to be called at 02.15 p.m. today.

6. The matter was re-heard at 2.15 p.m. today. It is brought to my notice that Godown/Shop H88 was earlier sealed by the Chennai Metropolitan Development Authority (CMDA) and thereafter on the directions of this Court made in W.P.No.29583 of 2013, which was filed by the petitioner herein, the seals were removed and the CMDA handedover the property after de-sealing, to the petitioner herein by order dated 10.03.2015. Now, after the property has been handed over, the opposite parties, with the help of Goondas and rowdy elements are trying to forcibly take possession of the property from the petitioner. It has become endemic these days for antisocial elements to take forcible possession of properties which are under lock and key.

7. Under such circumstances, this Court directs the respondent police to afford full protection to the petitioner and see that the opposite party does not threaten and take forcibly the possession of Godown/Shop H-88, Vegetable Market from the petitioner. The police shall also remove if there are any encroachers squatting in the property.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr/rg

To

1. The Inspector of Police,
Koyambedu Police Station
Chennai 92

2.The Public Prosecutor,
High Court, Madras.

3.Mr.Seetharaman, Advocate
High Court, Madras.

6 cc to Mr.C.Rajan ,Advocate, SR.No.23882, 23883/15
2 cc to Mr. K.Seetharam,Advocate, SR.No.23843, 23842/15

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pmk.29.4.2015



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