

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrIOP.No.14213 of 2015

Champalal P. Ranawat

... Petitioner

Vs

The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai-600 079.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to give protection for executing the order in M.P.No.339 of 2012 in RCOP No.1496 of 2012 dated 23.09.2013 passed by the learned XIV Judge, Small Causes Court, Chennai.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent to give protection for executing the order in M.P.No.339 of 2012 in RCOP No.1496 of 2012 dated 23.09.2013 passed by the learned XIV Judge, Small Causes Court, Chennai, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the material placed on record.

3.It is seen that the petitioner is a tenant under one Vijayaraj Bhandari in respect of first floor portion of D.No.25/40, Erulappan Street, Kondithope, Chennai-79. The landlord had cut the water connection in respect of the tenanted portion and therefore, the petitioner filed RCOP.N0.1496 of 2012 before the learned XIV Judge, Small Causes Court, Chennai, under Section 17 of the Tamil Nadu Rent Control Act for restoration of amenities. The petitioner has also filed M.P.No.304 of 2012, for an interim direction to the landlord for restoration of water amenities. The learned Rent

Controller ordered the petition on 07.08.2012. Even thereafter, the landlord did not give water connection. Therefore, the petitioner filed another application in M.P.No.339 of 2012 before the learned XIV Judge, Small Causes Court, Chennai, seeking permission to have water connection to his premises at his own costs. That petition was also allowed by the Rent Controller, after hearing the landlord on 23.09.2013, despite which, the landlord is preventing the petitioner from getting water connection. Hence, the petitioner lodged a complaint to the respondent police on 20.11.2014 for police protection to effect water connection to his premises. On the complaint, the respondent Police conducted enquiry in CSR.No.516 of 2014 and the same was closed on 27.11.2014 on the ground that the dispute is civil in nature. Hence, the petitioner has come up with petition to direct the respondent police to give protection to effect water connection in his premises.

4. Water is an essential amenity, which cannot be denied to a tenant under the Rent Control Act. The Rent Controller has passed two orders which are not obeyed by the landlord. Therefore, this Court directs the respondent police to provide sufficient protection to the petitioner immediately so that he is able to take steps for restoring the water connection to his premises.

Accordingly, this Criminal Original Petition is ordered, as prayed for.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai-600 079.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.29682

Cr1 OP.No.14213 of 2015

AD(CO)
CA(01/07/2015)