

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.2105 of 2014

and

W.P.No.18051 of 2015

W.P.No.2105 of 2014

K.R.Selvaraj Kumar

..Petitioner

Vs

1. The Inspector of police,
Law and order,
H-5, New Washermenpet police Station,
Chennai - 600 081.
2. The Assistant Commissioner of Police,
Royapuram Range,
Royapuram,
Chennai - 600 013.
3. The Commissioner of Police,
Egmore,
Chennai - 600 008.
4. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylpore,
Chennai - 600 004.
5. Mr.Rajabadhar,
Sub Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai - 600 013.

... Respondents

Prayer in W.P.No.2105 of 2014

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to provide police protection to the petitioner at his cost.

W.P.No.18051 of 2015

K.R.Selvaraj Kumar

..Petitioner

Vs

1. The Director General of Police,
Madras-4.

2. The Commissioner of Police,
Vepery, Madras-7.

3. The Deputy Commissioner of Police,
H-5, New Washermenpet police Station,
Chennai - 600 081.

2. The Assistant Commissioner of Police,
Royapuram ,
Chennai - 600 013.

... Respondents

Prayer in W.P.No.18051 of 2015

Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondents to render necessary police protection to the petitioner to run his (Advocate's) consulting office and to enable him to carry on his lawful profession as an Advocate of this Court, freely without any threat to his life by considering the petitioner's representation dated 03.02.2014 followed by reminders dated 06.02.2014, 17.02.2014 and 15.04.2015 as expeditiously as possible.

For Petitioner
in both the W.Ps.: Mr.R.Shanmugham
for M/s.Shanmugha Associates

For Respondents
in both the W.Ps.: Mr.P.Sanjay Ganhi,
Additional Government Pleader.

COMMON ORDER

W.P.No.2105 of 2014 has been filed to direct the respondent police to provide necessary police protection to the petitioner and W.P.No.18051 of 2015 has been filed to direct the respondent police to give police protection to the petitioner to run his consulting office and to enable him to carry on his advocate profession.

2. The petitioner is 80% physically handicapped person and he can move about only with the aid of a wheel chair and he is the President of Tamil Nadu Meenavar Membattur Sangam and Founder and President of Tamil Nadu Thozhillar Party. With a view to render assistance to the poor and downtrodden people, particularly, the fishermen community, the petitioner studied Law graduation and enrolled as an Advocate with the Tamil Nadu Bar Council (Enrl.No.1708 of 2009). He purchased a property bearing No.15/8, A.J.Colony, 1st Street, Royapuram, Chennai-600 013 wherein he was running the Tamil Nadu Thozhillar Party office and Advocate office. The petitioner was rendering free legal assistance to the poor and down trodden people. It is the case of the petitioner that because of the free legal assistance to the poor and downtrodden people, he earned the displeasure of not only of his own community people but also the other fishermen. While so, one Babu gave a complaint on 13.01.2011, for the dangerous attack made on him by ten unknown persons. The said complaint was ignored by the then Assistant Commissioner of Police. Hence, the petitioner lodged a complaint with the Commissioner of Police. But the Assistant Commissioner of Police threatened the petitioner. Even after a direction was given to give police protection to the petitioner in W.P.No.5353 of 2011, no police protection was given. In the meanwhile, some antisocial element burnt the petitioners Car on 12.10.2011, which was parked in his residence and a complaint was given and the same is pending in Cr.No.1293/2011. On 18.4.2013, one Dillirajan caused life threat to the petitioner and ransacked the Free Legal Aid Centre. The petitioner was facing series of threatening calls from unknown elements. Hence, the petitioner has filed the above writ petitions to provide police protection for himself and his family members as well as his property.

3. When the matter is taken up for consideration, learned counsel for the petitioner reiterated the contentions made in the affidavit filed in support of the writ petitions.

4. Learned Additional Government Pleader submitted that the petitioner is an accused in 14 cases and now, he has come forward with the above false averments. Thus, he opposed these writ petitions.

5. This Court is of the considered opinion that this Court cannot conduct any roving enquiry in the writ petitions filed under Article 226 of the constitution of India. Therefore, without going into the merits of the contentions raised on either side, this Court directs the petitioner to give a fresh representation to the Assistant Commissioner of Police, Royapuram Range, Royapuram, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Assistant Commissioner of Police, Royapuram Range, Royapuram, Chennai is directed to pass appropriate orders on merits and in accordance with law. It is made clear that this Court is not giving any opinion with regard to the merits of the claim made by the petitioner and it is for the Assistant Commissioner of Police, Royapuram Range, Royapuram, Chennai, to pass appropriate

orders. Accordingly, both the writ petitions are disposed of.No costs.

vsi

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of police,
Law and Order,
H-5, New Washermenpet Police Station,
Chennai - 600 081.
2. The Assistant Commissioner of Police,
Royapuram Range,
Royapuram,
Chennai - 600 013.
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7. The Deputy Commissioner of Police,
H-5, New Washermenpet police Station,
Chennai - 600 081.

+4 C.Cs to MR.Shanmugha Associates, Advocate in SR.NO.66397

W.P.No.2105 of 2014
and
and
W.P.No.18051 of 2015

AR(CO)
sd : 14/12/2015