

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH.J

Cr1.O.P.20948 of 2015

V.Ganesan

..Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai
Veperi
Chennai
2. The Inspector of Police
(Law and Order)
V4, Rajamangalam Police Station
Chennai - 99

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C to direct the second respondent police to provide police protection to the petitioner and the petitioner's property.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present petition has been filed seeking a direction to the second respondent police to provide police protection to the petitioner and the petitioner's property.

2. The petitioner is the owner of the property ad-measuring to an extent of 38 cents, situated in S.No.143/2A1A, Korattur Village, Thanthankuppam, Chennai - 80. The said property was purchased by the petitioner under three registered sale deeds, registered as Document Nos.4744/92, 4745/92 and 4748/92 in the year 1992 and after such purchase, the petitioner is in possession and enjoyment of the property. The petitioner availed a bank loan for his business purpose and put up a compound wall, thereby prohibited the third parties from encroaching upon his property. While so, one Muniammal created fabricated documents and alienated the petitioner's property to various parties

resulting in filing of a suit on the file of the Sub-Court, Poonamallee. Though the trial Court had dismissed the suit, the first appellate Court reversed the judgment and decree of the trial Court and decreed the suit and the second appeals filed against the said decree of the first appellate Court were also dismissed by this Court. The petitioner submits that now he is in absolute possession of the property and his possession is being disturbed by one Chandra Obula Reddy, who is a running a Marble business in the name and style of "Vinayaga Marbles" and when the petitioner visited the property, the said Obula Reddy, along with one Elumalai and Gopal, threatened the petitioner stating that they have strong political background and nobody can do anything. Hence, the petitioner approached the Commissioner of Police on 04.05.2015 and the Inspector of Police on 05.05.2015 and lodged the complaint. The petitioner states that even now the petitioner is unable to enter upon the property. Hence, the petitioner lodged a complaint on 04.05.2015. Since no action was taken on the said complaint, the present petition has been filed seeking police protection to the petitioner and his property.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Considering the rival submissions, this Court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 04.05.2015 pending in C.S.R.No.65 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the second respondent is directed to proceed further in accordance with law and so far as the police protection is concerned, the second respondent is directed to pass an appropriate order after affording an opportunity of personal hearing to the petitioner.

5. The criminal original petition is disposed of accordingly.

gpa

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Greater Chennai
Veperi
Chennai

2. The Inspector of Police
(Law and Order)
V4, Rajamangalam Police Station
Chennai - 99

+ 1 cc to Mr.S.Vijayakumar, Advocate SR 63117

sv(co)
prk27/11

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