

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.20737 of 2015

M/s.Geocons
Rep. By its Proprietor
Mr.P.V.Karthik.

.. Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

2.The Assistant Commissioner of Police,
SRMC Police Station,
Porur, Chennai.

3.The Inspector of Police,
F-14, Police Station, Mangadu,
Chennai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extent police protection to the petitioner and their employees for doing construction work at Plot No.-1, CTA Garden, Mangadu comprised in Survey No.550 which is a CMDA approved layout.

For Petitioner : Mr.S.Saravanan

For Respondents: Mr.P.Sanjay Gandhi
Additional Government Pleader and
Mr.C.Emilias APP

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O R D E R

This Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents to extent police protection to the petitioner and their employees for doing construction work at Plot No.-1, CTA Garden, Mangadu comprised in Survey No.550.

2. The petitioner's company is doing construction business. The petitioner's company is having a property of 6060 sq. ft

vacant land situated at Plot No-1, CTA Garden, Mangadu comprised in Survey No.550 and the same is a CMDA approved layout. The Cine Technicians Association of South India has planned to build an Assembly Hall and therefore, they have appointed the petitioner's company as a construction contractor under construction agreement dated 24.04.2015. In pursuance to the said agreement, the petitioner's company got all the approvals and building plan permissions from the Government authorities to construct the Assembly Hall in the above mentioned property. While so, on 29.04.2015, when the employees of the petitioner's company visited the above stated property for measuring, some persons, who belongs to Bhadhrimedy Village viz., Vananchezhiyan, Ravi, Mohan and Jayapal, interfered with the work and demanded money. Hence, the petitioner lodged a complaint to the 3rd respondent on 04.05.2015 to give police protection. On receipt of the complaint, CSR has been assigned in C.S.R.No.671/F14.Mangadu/15 by the 3rd respondent. On 06.05.2015, the petitioner's company were conducted boomi pooja in the above stated property. The land grabbers again interfered with the boomi pooja and prevented the petitioner's company from doing boomi pooja. Similarly, an another occasion on 07.05.2015, when the petitioner sent his employees to do the Bore Well work, the above said persons came and threatened to stop the work. This was informed to the Sub-Inspector of Police, Mangadu Police Station and the Sub-Inspector of police directed the employees to stop the work and also directed the petitioner to measure the land. Therefore, the workers stopped the work and returned back. Hence, the petitioner has lodged a complaint on 14.05.2015. Since no action was taken, the petitioner's company filed a petition before this Court in CrI.O.P.No.13181 of 2015 seeking police protection and also to register the complaint. On 02.06.2015, this Court disposed of the said petition and directed the respondent police to conduct an enquiry and take action in accordance with law. In spite of it, the 3rd respondent refused to extent police protection and the 3rd respondent has served a notice dated 14.06.2015 under Section 160 and 91 of Cr.P.C. calling upon the petitioner for enquiry. On 17.06.2015, he went to the Police Station and the Inspector conducted enquiry and asked to get separate order for protection. Thereafter, the petitioner submitted a representation on 24.06.2015, but till date the same was not considered. Hence, the petitioner has filed the present writ petition to extent police protection to the petitioner and their employees for doing construction work at Plot No.-1, CTA Garden, Mangadu comprised in Survey No.550.

3. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the earlier complaint of the petitioner dated 14.05.2015 in C.S.R.No.671 of 2015 has been enquired and since the petitioner and counter petitioner have agreed to settle the dispute about themselves,

they have closed the said complaint and he has also produced the copy of the closure report for perusal of this Court.

4. The learned counsel for the petitioner denies the same and submits that pursuant to the complaint given by the petitioner dated 14.05.2015, C.S.R.No.671 of 2015 has been issued. However, till date the 3rd respondent had not extended the police protection to the petitioner. Now the petitioner is not in a position to continue his work. Hence, he came forward with the present petition.

5. Keeping the submissions made on either side and perusing the material placed on record, I am of the opinion that the petitioner has not given any representation to the 3rd respondent, but he has given representation only to the 2nd respondent.

6. In view of the same, this Court directs the petitioner to give a fresh representation to the 3rd respondent seeking police protection and on receipt of the same, the 3rd respondent is directed to consider the same, after giving personal hearing of the petitioner and other parties and pass appropriate orders, with regard to the police protection on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

True Copy

Sub Assistant Registrar

सत्यमेव जयते

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
- 2.The Assistant Commissioner of Police,
SRMC Police Station,
Porur, Chennai.

3.The Inspector of Police,
F-14, Police Station, Mangadu,
Chennai.

4.The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.S.Saravanan, Advocate sr.64411

W.P.No.20737 of 2015

vs[co]
srg 15/12/2015



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