

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.23214 and 23215 of 2015

Dr.G.Ilangovan

.. Petitioner in
WP 23214/2015

Dr.I.Gurubharath

.. Petitioner in
WP 23215/2015

vs

1.The Director General of Police
Mylapore, Chennai 4

2.The Commissioner of Police
Chennai City, Chennai 7

.. Respondents in
both petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the representation dated 23.4.2014, made by the petitioners for providing police protection and gun licence to secure his life from endanger within a stipulated time.

For Petitioners : Mr.R.Rajiv Gandhi

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal.

2.The petitioners allege that on 5.1.2014, at 4.15 A.M., 10 persons formed themselves into an unlawful assembly, entered into their residence-cum-hospital and started assaulting them without any reason and also ransacked the hospital and both the petitioners had sustained grievous injuries and the entire events were recorded in the Close Circuit TV (CCTV) Camera installed in the hospital, and the footage of the CCTV would disclose the fact that the person behind the attack is one G.Ra.Gokul, son of A.N.Radhakrishnan, and he engaged the services of the hirelings to murder both the petitioners and in the process also, caused extensive damage to the hospital.

The petitioners would further allege that a complaint was lodged in this regard, based on which, a case in Crime No.21/2014 was registered by R7 K.K.Nagar Police Station for the commission of offences under Sections 147, 148, 448, 341, 323 and 506(ii) IPC read with Section 4 of TNPHW Act and Section 3 of TNPPDL Act and the accused were arrested and subsequently, enlarged on bail and the petitioners have also filed petitions to cancel the bail granted to them.

3. According to the petitioners, they have submitted a representation dated 23.4.2014, to the Additional Director General of Police/Commissioner of Police, Greater Chennai, as well as to the Home Secretary for appropriate police protection fearing for their life and the petitioner in W.P.No.23215/2015, has also submitted an application dated 16.4.2014, to the second respondent praying for gun licence, and vide letter dated 22.4.2014, the second respondent has asked three years Income Tax Clearance Certificates and they were also submitted.

4. The grievance expressed by the petitioners, is that in spite of repeated requests for giving police protection to them as well as to their family and the application submitted by the petitioner in W.P.No.23215/2015, for issuance of gun licence, no orders have been passed, and hence they came forward to file these writ petitions.

5. The learned Counsel appearing for the petitioners, has drawn the attention of this Court to the typed-set of documents and would submit that the petitioners genuinely apprehend that they and their family members will be attacked once again and that is why the petitioner in W.P.No.23214/2015, prayed for police protection and the petitioner in W.P.No.23215/2015, prayed for gun licence and however, no orders have been passed by the concerned officials and hence, prays for appropriate orders.

6. Per contra, Mrs.P.Rajalakshmi, learned Government Advocate, who accepted notice on behalf of the respondents, would submit that the case registered against the accused, has culminated in a charge sheet and it was taken on file in C.C.No.1298 of 2014, on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, and the same is pending trial and regular para is also taking place in respect of the residential and hospital premises, owned by the petitioners, and hence, the apprehension expressed by the petitioners, are unfounded.

7. This Court, taking into consideration the above facts and circumstances, directs the second respondent to consider the request made by the petitioner in W.P.No.23214/2015, for police protection, in consultation with the jurisdictional police viz. R7 K.K. Nagar Police Station, Chennai City, and the second respondent shall also consider the application dated 16.4.2014, submitted by the petitioner in W.P.No.23215/2015 for gun licence, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of

this order and communicate the decision taken, to the respective petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

nsv

To:

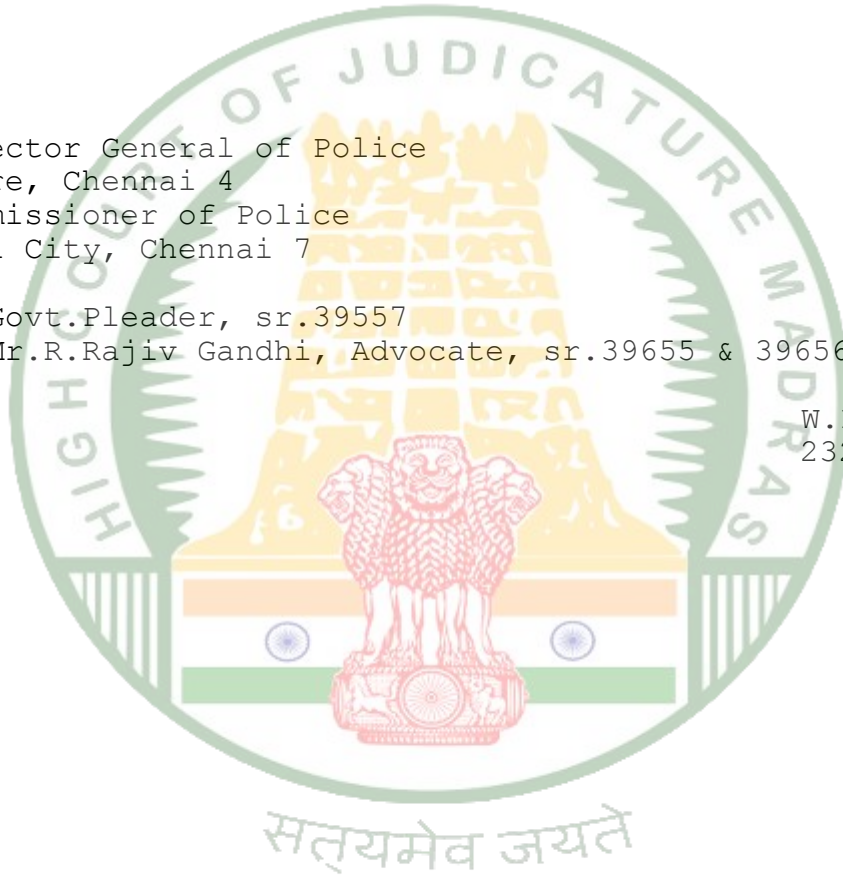
- 1.The Director General of Police
Mylapore, Chennai 4
- 2.The Commissioner of Police
Chennai City, Chennai 7

+1 cc to Govt.Pleader, sr.39557

+2 cc to Mr.R.Rajiv Gandhi, Advocate, sr.39655 & 39656.

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rv(co)
kra(13/08)



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