

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2489/2015

Dr.J.Vasudevan

...Petitioner

Versus

1. State rep.by its
The Secretary to Government
Home Department, Secretariat,
Chennai 600 009.
2. The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai.
3. The Assistant Commissioner of Police
Guindy, Chennai.
4. The Inspector of Police
Guindy Police Station, Chennai-32.
5. B.Shanmuga Sundaram @ Sundar

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 4 to consider and pass order on the petitioner's representation dated 05.01.2015 to provide adequate police protection to peacefully reside and continue his practice of medical profession admeasuring 1912 sq.ft. situated at No.6/136, Sakthi Avenue, Balaji Nagar Main Road, Cart Track Road, Ekatuthangal, Chennai 600 032, from the illegal attempts of the 5th respondent and his men.

For Petitioner : Mr.D.Jagadeesan

For RR 1 to 4 : Mr.S.Gunasekaran, GA

ORDER

Heard Mr.D.Jagadeesan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents 1 to 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage without notice to the 5th respondent, the merits of the allegations made by the petitioner as against the 5th respondent are not gone into and it is left open to the authorities to take note of the same.

3.It appears that there is a landlord-tenant dispute between the petitioner and the 5th respondent and the 5th respondent is carrying on business in the ground floor in the premises owned by the petitioner and the petitioner is practicing as a doctor in the first floor. The petitioner and his mother have filed RCOP No.1817/2013 on the file of the XII Small Causes Court, Chennai, for eviction, on the ground of owner's occupation, act of waste and nuisance as against the 5th respondent. The 5th respondent has filed a civil suit and the matter is pending in OS.No.5029/2013 on the file of the City Civil Court, Chennai, and an order of injunction has been granted. According to the petitioner, the order of injunction has been obtained by the 5th respondent by suppression of material facts and the same has already been vacated. The petitioner has lodged a complaint before the 4th respondent police and since no action was taken, the petitioner moved this Court by filing petitions u/s.482 Cr.P.C., in CrI.OP.Nos.8408 and 8409/2014, which was disposed of vide order dated 18.07.2014, pursuant to which a case has been registered in Cr.No.1350/2014 on the file of J3 Guindy Police Station for the alleged offence u/s.147, 448, 323, 427, 506[iii] IPC. With these facts, the petitioner is before this Court.

4.Since already a case has been registered by the 4th respondent police, the 4th respondent is hereby directed to investigate the case in Cr.No.1350/2014 in accordance with law and file a final report as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

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5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government
Home Department, Secretariat,
Chennai 600 009.
 2. The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai.
 3. The Assistant Commissioner of Police
Guindy, Chennai.
 4. The Inspector of Police
Guindy Police Station, Chennai-32.
- 1 CC to Mr.D.Jagadeesan, Advocate SR.No. 5339
- 1 CC to the Government Pleader, SR.No. 5555

VGI (CO)
PSI (12.02.2015)

WP.No.2489/2015

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