

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27261 of 2015

M.Chinnu

... Petitioner

.Vs.

1. The Deputy Superintendent of Police,
Chengalpet Taluk,
Kancheepuram District.

2. The Inspector of Police,
H-1, Otteri Police Station,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to direct the respondents herein to provide adequate police protection to the petitioner and to the labourers involved in construction of the compound wall in S.No.72/1A and in 72/1B2 Kolapakkam Village, Chengalpet Taluk, Kancheepuram District measuring an extent of 60 cents.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner seeks a direction to the respondents herein to provide adequate police protection to him and to the labourers involved in the construction of the compound wall in S.Nos.72/1A and in 72/1B2 Kolapakkam Village, Chengalpet Taluk, Kancheepuram District measuring an extent of 60 cents.

2. In the affidavit filed by the petitioner, it is stated that one Tmt.G.Padma, W/o S.R.Govindan; S.R.Govindan, S/o.Ramasamy; T.Jothi, W/o.Thanigaivel; G.Karunakaran,

S/o.S.R.Govindan; Mr.Mythili, W/o.Meganathan and G.Ramya, D/o.S.R.Govindan, who owned an extent of 60 cents in S.Nos.72/1A and 72/1B2, Kolapakkam Village, Chengalpet Taluk, Kancheepuram District, decided to sell the said extent of land for a valid sale consideration and after due deliberation, it was agreed between the said persons and the petitioner, that the petitioner would pay a sum of Rs.1,00,00,000/- (Rupees One Crore only) to the land owners and that the land owners in turn would execute a General Power of Attorney coupled with interest over the property in favour of the petitioner. Pursuant to the same, the agreed amount of Rupees one Crore was paid to the said land owners and in turn, they executed a General Power of Attorney coupled with interest over the property in favour of the petitioner registered as Doc.No.1141 of 2010 on the file of the Sub-Registrar, Guduvanchery. On the receipt of the said sum, execution of the Power of Attorney Deed coupled with interest on the property was executed by the said land owners on 16.07.2010 in the petitioner's favour. Thereafter, as a power agent of the land owners, the petitioner executed a registered sale deed dated 11.02.2012 in favour of his son C.Mohammed Yahya, registered as Document No.1358 of 2011 on the file of the Sub-Registrar, Guduvanchery. Thereafter, mutation of revenue records was effected in the name of the petitioner's son. Since the petitioner's son is employed in United States of America, he appointed the petitioner as his Power Agent, by a Power of Attorney Deed dated 04.06.2012 and as such, the petitioner is presently managing the said property as a Power Agent of his son.

3. Thereafter, during January 2012, due to escalation of land value, the vendors/land owners claimed reconveyance of the land from the petitioner and pressurized him to reconvey the land by issuing legal notice. The vendors also filed a suit in O.S.No.131 of 2012 on the file of the District Munsif Court, Chengalpet seeking permanent injunction restraining the petitioner and his son from in any manner encumbering the suit property. While the said suit was pending, the vendors/land owners also began to interfere with the peaceful possession of the petitioner and hence, the petitioner lodged a complaint with the respondent police on 10.04.2012. In spite of being warned by the police, the vendors interfered with the petitioner's peaceful possession and hence, the petitioner made another complaint to the respondent police on 07.07.2015 and the same was enquired by the 2nd respondent in C.S.R.No.245 of 2015 and the offenders were let off without a case being registered

against them. Thereafter, on the petitioner's representation to the Deputy Superintendent of Police, Chengalpet Taluk, the 1st respondent took cognizance of the matter and directed the 2nd respondent to look into the matter and take appropriate action on the petitioner's complaint and accordingly, FIR was registered in Crime No.291 of 2015 under Sections 447, 294(b), 506(i) and 379 I.P.C. by the 2nd respondent against the vendors, viz. Govindan and his son Karunakaran. Now the vendors are again preventing the petitioner from raising the compound wall by engaging Goondas. Hence, the petitioner made a representation on 17.10.2015 to the respondent to provide police protection. But the same was not considered so far. Hence, the present Criminal Original Petition has been filed.

4. Heard both sides.

5. Learned Additional Public Prosecutor would submit that the petitioner may send a fresh representation to the 1st respondent police in respect of his grievance. On receipt of the same, the same will be considered by the respondent.

6. In view of the submissions made by the learned counsel on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same and pass an appropriate order with regard to providing of adequate police protection to the petitioner and to the labourers involved in the construction of the compound wall in S.No.72/1A and in 72/1B2 Kolapakkam Village, Chengalpet Taluk, Kancheepuram District, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties if any, on merits and in accordance with law.

This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To :

1. The Deputy Superintendent of Police,
Chengalpet Taluk,
Kancheepuram District.
2. The Inspector of Police,
H-1, Otteri Police Station,
Kancheepuram District.
3. The Public Prosecutor
High Court of Madras,
Chennai.

+1cc to Mr.M.R.Thangavel, Advocate, S.R.No.61297

Crl.O.P.No.27261 of 2015

TM(CO)
CA(08/12/2015)



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