

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.27876 of 2015

M.G.Selvaraj

... Petitioner

Vs

1.The Assistant Commissioner of Police,
Thuraipakkam Range,
Thuraipakkam,
Chennai 600 097.

2.The Inspector of Police,
J.11, Kannagi Nagar Police Station,
Kannagi Nagar,
Chennai 600 097.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent police to register a case on the basis of the complaint dated 27.10.2015 made by the petitioner and to investigate the same and to file a final report, within a stipulated time fixed by this Court.

For Petitioner : Mr.KB.Vivekanandhan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent Police to register a case on the basis of the complaint given by the petitioner dated 27.10.2015 and to investigate the same and to file a final report, within a stipulated time.

2.The case of the petitioner is that the petitioner is residing at No.4/649, Subramaniam second street, Moottaikkaran Chavadi, Thuraipakkam, Chennai for the past 30 years. The Government poromboke land in S.No.209/3 is called as Periya Chatiram Poromboke land and the same has been encroached by encroachers by putting up illegal construction and thereby causing disturbance to the nearby residents. Hence, the

petitioner had approached this Court by way of filing a writ petition and the same was disposed of by giving a direction to the revenue authorities to remove the encroachments made in the above said Government poromboke land. On 27.10.2015, while removing the encroachments made in the said Government Poromboke land by the revenue officials, the encroachers namely, 1.Dhanapal, 2.D.Ravi, 3.P.Elumalai, 4. E.Kumar, 5.Nithya Kalyani along with their henchmen trespassed into the house of the petitioner and damaged the compound wall of the petitioner's house and also attacked the petitioner with karungal stones and thereby caused injury to the petitioner and his family members. Again, the above said persons have damaged all the glass windows by throwing stones including the name board of the petitioner's son and they have thrown fire substances inside of the petitioner's house. Thereafter, the petitioner along with henchmen abused the petitioner and his family members in filthy languages. Hence, the petitioner called help line No.100 and sought help from the police. The second respondent came to the spot and taken photo of the damaged glass windows of the petitioner's house. Thereafter, the petitioner lodged a complaint before the second respondent. But, no action has been taken against them.

3.Again, the petitioner has given a complaint before the first respondent on 27.10.2015 and the same has been forwarded to the second respondent with a direction to take appropriate action and also directed the second respondent to afford police protection to the petitioner's house. Thereafter only, the complaint of the petitioner has been taken on file by the second respondent in C.S.R.No.1456 of 2015. But, sofar no action has been taken. Hence, the petitioner has filed the present criminal original petition.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.The learned Additional Public Prosecutor has filed a counter stating that on 27.10.2015 at about 10. a.m. the revenue officials headed by the Revenue Divisional Officer, Tambaram; Tahsildar and Deputy Tahsildar of Sholinganallur; two Revenue Inspectors of Medavakkam, Pallikaranai; five Village Administrate Officers, Sholinganallur, Medavakkam, Ottiyampakkam Injampakkam, Thuraipakkam and six Village Assistants of Sholinganallur, Thuraipakkam, Injampakkam and Semmanchery were executed the order of this Court by removing the encroachments. He further submitted that at the time of eviction, the police protection has been given under the head of the first respondent-Six Inspectors of Police; Five Sub Inspectors of Police; 30 Police personnels including Women constables and 10 youth brigades to the revenue officials and the eviction has

been completed. He also submitted that in the mean time, on 29.10.2015, the petitioner has given a complaint before the Sub Inspector of Police, J-11, Kannaki Nagar Police Station, Chennai stating that on 27.10.2015 at 12.30 p.m., the glass windows of the petitioner's house were damaged by pelting stones and the compound wall was damaged and the crackers/fire substances were thrown inside of the petitioner's house by the counter petitioners. On the complaint of the petitioner, the Sub Inspector of Police has assigned C.S.R.No.456 of 2015 on 29.10.2015 and he had enquired four witnesses, who are the neighbours of the scene of occurrence and they stated that the above said occurrence had not happened. At the time of eviction, the compound wall of the petitioner was also removed by the revenue officials, since his compound wall was also on the Periyachatram Government Poromboke land. On the investigation, 13 witnesses have been enquired and recorded their statements. After completion of enquiry, the said complaint was closed by the second respondent on 01.11.2015 and the reply was also sent to the first respondent on the same day itself.

6.The learned counsel appearing for the petitioner submitted that the house of the petitioner was damaged by the encroachers and the respondent police has not taken proper steps to investigate the matter. per contra, the learned Additional Public Prosecutor denied the above said submission of the petitioner and he submitted that the petition enquiry has been conducted and the same has been closed. He also submitted that the compound wall of the petitioner has been demolished by the revenue officials, as per the direction of this Court, since the area comes under Periyachatram Government Poromboke land.

7.Considering the irrespective submissions made on either side, this Court cannot give a direction to the respondent police to conduct enquiry based on the complaint of the petitioner dated 27.10.2015. Since the complaint has already been closed on 01.11.2015, recording the submissions made by the learned Additional Public Prosecutor, this criminal original petition is dismissed. However, the petitioner is at liberty to workout his remedy under Section 156(3) Cr.P.C., if he so desires.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1.The Assistant Commissioner of Police,
Thuraipakkam Range,
Thuraipakkam,
Chennai 600 097.

2.The Inspector of Police,
J.11, Kannagi Nagar Police Station,
Kannagi Nagar,
Chennai 600 097.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.B.Vivekanandhan, Advocate, sr.65380

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kra 07.12.2015



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