

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cr1.O.P.No.5215 of 2015

K.Shanmughavel Mudaliar

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
St. Thomas Mount, Chennai - 16.

2.The Assistant Commissioner of Police,
Pallavaram, Chennai - 43.

3. The Inspector of Police
S-6, Shankar Nagar Police Station,
Pozhichallur,
Chennai - 75.

... Respondents

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the third respondent to provide police protection to the petitioner for the enforcement of appropriate civil court decree made in O.S.No.118 of 2009, DMC, Alandur in respect of property in S.Nos. 181, 210/2, in Pozhichallur Village, Alandur Taluk, Kancheepuram District, Chennai by considering the petitioner's complaint dated 15.02.2014.

(Prayer amended as per order of this court made in M.P.No.1/15 in Cr1.O.P.No.5215 of 2015 by order dated 08.04.2015)

For Petitioner : M/s. Baskar

For Respondents : Mr. C.Emalias

Government Advocate (Cr1.Side)

ORDER

The petitioner has come forward with this petition seeking a direction to provide police protection by considering his complaint dated 15.02.2014.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1.side) appearing for the respondents and perused the materials placed on record.

3. From the perusal of the materials available on record, it appears that this petitioner is the hereditary trustee of Arulmighu Agastheeswarar Temple and that there are two decrees in his favour viz., O.S.No.118 of 2009, dated 05.11.2009 on the file of the District Munsif, Alandur and in O.S.No.135 of 2013 before the Sub Court, Tambaram. Now, when the petitioner is trying to safeguard the temple property by erecting a shed some miscreants has been causing trouble to the petitioner. In this regard a peace committee has been conducted by the concerned police officer between some of the persons who has obstructed the construction and in the said meeting, the petitioner agreed that he will abide by the orders of this court.

4. It is also alleged by the petitioner that some new named persons have removed the board and water motor from the temple and the complaint given to the police has not been properly enquired.

5. Learned counsel for the petitioner relied upon the judgment of this Court in Radhika Sri Hari & another vs. The Commissioner of Police, Coimbatore City, Coimbatore and another reported in 2014(2) L.W.927 wherein in Paragraph No.7 it is stated as follows:-

"7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

6. Learned Government Advocate (Crl.side) submitted that local villagers have objected to the said construction of shed and there

is a dispute between two groups of people.

7. Learned counsel for the petitioner submitted that the petitioner is constructing a shed for cattels and the same has been obstructed by the miscreants.

8. Taking into consideration the facts of the case, this Court is of the view that a direction can be given for police protection only for the purpose of putting up a temporary shed for cows in the earmarked place. Accordingly, the third respondent police is directed to give police protection to the petitioner only with respect to constructing a temporary shed for cows in the earmarked place alone.

With the above observation, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
St. Thomas Mount, Chennai - 16.

2. The Assistant Commissioner of Police,
Pallavaram, Chennai - 43.

3. The Inspector of Police
S-6, Shankar Nagar Police Station,
Pozhichallur, Chennai - 75.

4. The Public Prosecutor,
High Court, Madras.

2 cc to Mr.D.Baskar ,Advocate, SR.No.21354

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