

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.1088 of 2016

S.A.Mohideen Arif

... Petitioner

Vs.

The State Rep By,
The Inspector of Police,
Law & Order,
P6 - Kodingaiyur Police Station,
Chennai - 118.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to give a direction to the respondent police to give appropriate police protection based on the representation dated 13.01.2016 preferred by the petitioner herein for the elections to be held on 26.01.2016 at Malasiya Mahal situated at No.34, Ethiraj Swami Salai, Erukancherry, Chennai - 600 118.

For Petitioner : Mr.J.Suresh

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed praying for a direction to the respondent police to give appropriate police protection based on the representation dated 13.01.2016 preferred by the petitioner herein for the elections scheduled to be held on 26.01.2016 at Malasiya Mahal situated at No.34, Ethiraj Swami Salai, Erukancherry, Chennai - 600118.

2.In the petition it is stated that the petitioner is the Secretary of the Trust namely 'The Abiramam Educational Trust' registered under the Societies Registration Act. It is further stated that in accordance to the bye laws of the Trust, elections should be conducted once in three years. Hence, the General Council of the Trust decided to conduct the elections to the Trust on 26.01.2016 at Malasiya Mahal situated at No.34, Ethiraj Swami Salai, Erukancherry, Chennai - 600118. It is

further stated that there are about 400 members in the Trust and fifteen members have to be elected as Executive Committee Members of the Trust and among the said fifteen Executive Members, the President, the Vice-President, the Secretary, the Joint-Secretary, the Treasurer of the Trust are also to be elected. Hence, to conduct fair and free election of the Trust an independent Election Officer has also been appointed by the General Council of the Trust held on 12.12.2015.

3.It is further stated that ever since the election has been announced few members and non members of the Trust, to thwart the election process are continuously threatening the Election Officer and the present Executive Members of the Trust. Hence, the petitioner made a request to the respondent police to provide adequate police protection to conduct election scheduled to be held on 26.01.2016 at Malasiya Mahal situated at No.34, Ethiraj Swami Salai, Erukancherry, Chennai - 600 118, but the same was not considered. Hence, this petition.

4.Heard the learned Additional Public Prosecutor.

5.In view of the submissions made on either side, this Court is constrained to pass the following order:

The petitioner is directed to give a fresh representation to the respondent police and the respondent police on receipt of the same is directed to consider the same and pass appropriate orders with regard to providing of police protection for the election scheduled to be held on 26.01.2016 at Malasiya Mahal situated at No.34, Ethiraj Swami Salai, Erukancherry, Chennai - 600 118, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties, on or before 25.01.2016.

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

sd/-

Assistant Registrar(Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

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To

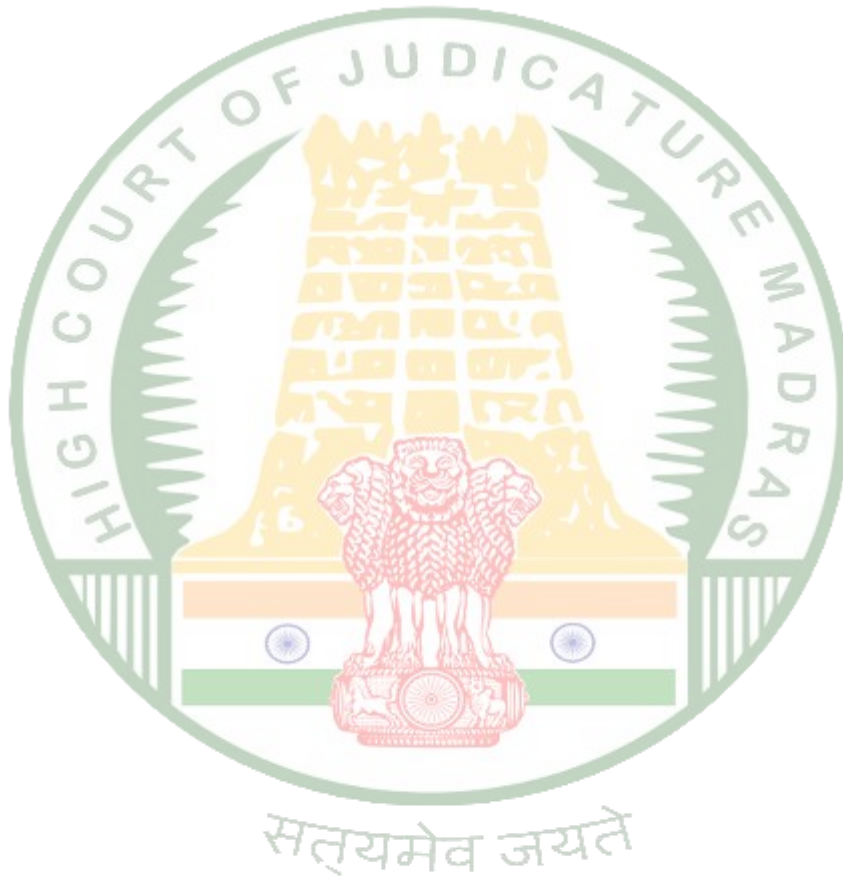
1.The Inspector of Police,
Law & Order,
P6 - Kodingaiyur Police Station,
Chennai - 118.

2.The Public Prosecutor
High Court, Madras.

+1 CC to MR.J.Suresh Advocate. SR.NO. 3161

Crl.O.P.No.1088 of 2016

CO-TEJ
JD 21/01/2016



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