

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.20814 of 2016

and

Crl.M.P.No.9662 of 2016

T.S.Pitchumani

... Petitioner/Defacto
Complainant

Vs

State rep by

The Inspector of Police

T-3, Korattur Police Station

Korattur, Chennai

(Ref.Crime No.1235 of 2016)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Inspector of Police, T-3, Korattur Police Station, the respondent herein to break open the lock put illegally in his office at No.197/229, 1st Floor, M.T.H.Road, Padi, Chennai 600 050 to put back the petitioner into the possession.

For Petitioner : Mr.V.Vijayakumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Inspector of Police, T-3, Korattur Police Station, the respondent herein to break open the lock put illegally in his office at No.197/229, 1st Floor, M.T.H.Road, Padi, Chennai 600 050 and to put back the petitioner into the possession.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The petitioner is a tenant under one Ms.Nivashini, who is daughter of Varadharajan [A1] in respect of the property at D.No.197/299, 1st Floor, M.T.H. Road, Padi, Chennai. According to the petitioner, he has given Rs.2 lakhs as advance to the landlady and the monthly rent is Rs.27,000/-. The petitioner has further stated that he had not paid rent for the month of April 2016, but, the same was received subsequently by the landlady in June 2016. While so, the landlady had engaged some persons, with whose help, the tenant

was physically dispossessed on 17.08.2016 at 10.55 a.m. It is also alleged that some persons claiming to be Advocates, had assisted the landlady in this illegal eviction. On the complaint given by the petitioner, the respondent police have registered a case in Cr.No.1235 of 2016 for offences u/s 341, 448, 380 and 506(i) IPC against Varadharajan [A1], Raja [A2] and Ponvelan [A3].

4. Today, Mr.S.Balamurali, Inspector of Police, T-3, Korattur Police Station is present before this Court.

5. Mr.C.Emalias, learned Additional Public Prosecutor submitted that Raja [A2] and Ponvelan [A3] are Advocates.

6. This Court cannot countenance such high-handed acts, whereby, a lawful tenant is being evicted by unlawful methods.

7. Under such circumstances, this Court directs the Inspector of Police, T-3, Korattur Police Station to immediately put back the petitioner into possession of the property and the Deputy Commissioner of Police, Ambattur is directed to provide sufficient police force to protect the rights of the petitioner for the peaceful enjoyment of the tenant premises. Thereafter, it is open to the landlady to evict the tenant by due process of law.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Deputy Commissioner of Police
Ambattur.

2.The Inspector of Police
T-3, Korattur Police Station
Korattur, Chennai.

3.The Public Prosecutor
High Court, Madras.

+2cc's to Mr.V.Vijayakumar, Advocate, S.R.No.52930

Cr1.O.P.No.20814 of 2016

SR(CO)

CA(19/09/2016)

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