

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

CrI.O.P.No.22692 of 2016

U.Nusrath Sharif

Secretary,

Royal Beach Enclave Owners Association

(REg. No.453/2015)

New No.112, Old No.9,

Sardar Patel Road, Adyar,

Chennai - 600 020

.. Petitioner

Vs.

1. The Deputy Commissioner of Police

(Law and Order), Adyar,

Chennai.

2. The Inspector of Police

Law and Order,

Kanathur Police Station,

Kanathur, Chennai.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to provide police protection while re-erecting the compound wall comprised in Survey No.87/3 and 92/2, Kanathur Reddy Kuppam village, Thiruporur Taluk, Kanchipuram District.

For Petitioner : Mr.Sriram Panju, Senior counsel
for Mr.V.Chandraprabu

For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, seeking an order to direct the respondent police to provide police protection while re-erecting the compound wall comprised in Survey No.87/3 and 92/2, Kanathur Reddy Kuppam village, Thiruporur Taluk, Kanchipuram District.

2. Heard both sides.

3. The learned Senior counsel appearing for the petitioner submits that the petitioner and residents formed an Association in the name of Royal Beach Enclave Owners Association and formed private 24 feet road for their use and they also put up compound wall around that premises.

4. It is averred in the petition that on the southern side they found compound wall belonging to the petitioners was demolished in three places to the stretch of 20', 13' and 12' besides drilling some holes at several places and due to this illegal act, there is huge loss to the petitioners. When the petitioners attempted to repair the demolished compound wall, the persons mentioned in the petition under the guise of villagers attempted to prevent them from doing the work. Therefore, the petitioner has come forward with this petition seeking direction to provide police protection while re-erecting the compound wall comprised in S.No.87/3 and 92/2, Kanathur Reddy Kuppam village, Thiruporur Taluk, Kanchipuram District.

5. The learned Additional Public Prosecutor submits that damages are said to have been caused due to the flood and taking advantage of the damages, the villagers nearby are preventing the petitioners from repairing the compound wall and they tried to use as the pathway. He further submits that there is separate pathway for the villagers. He also concedes that the properties mentioned in the petition are private property and it belongs to the petitioner Association.

6. The petitioners have also filed copies of documents to show that the properties belong to the petitioners exclusively.

7. Considering the rival submissions of both sides and also the fact that the property belongs to the petitioners and the villagers have separate access for their use, this Court is of the view that direction is to be given to the respondent police as prayed for in the petition. Accordingly, the respondent police is directed to provide police protection to the petitioner association, while re-erecting the compound wall comprised in Survey No.87/3 and 92/2, Kanathur Reddy Kuppam Village, Thiruporur Taluk, Kanchipuram District.

In fine, this Criminal Original Petition is allowed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police
(Law and Order), Adyar,
Chennai.

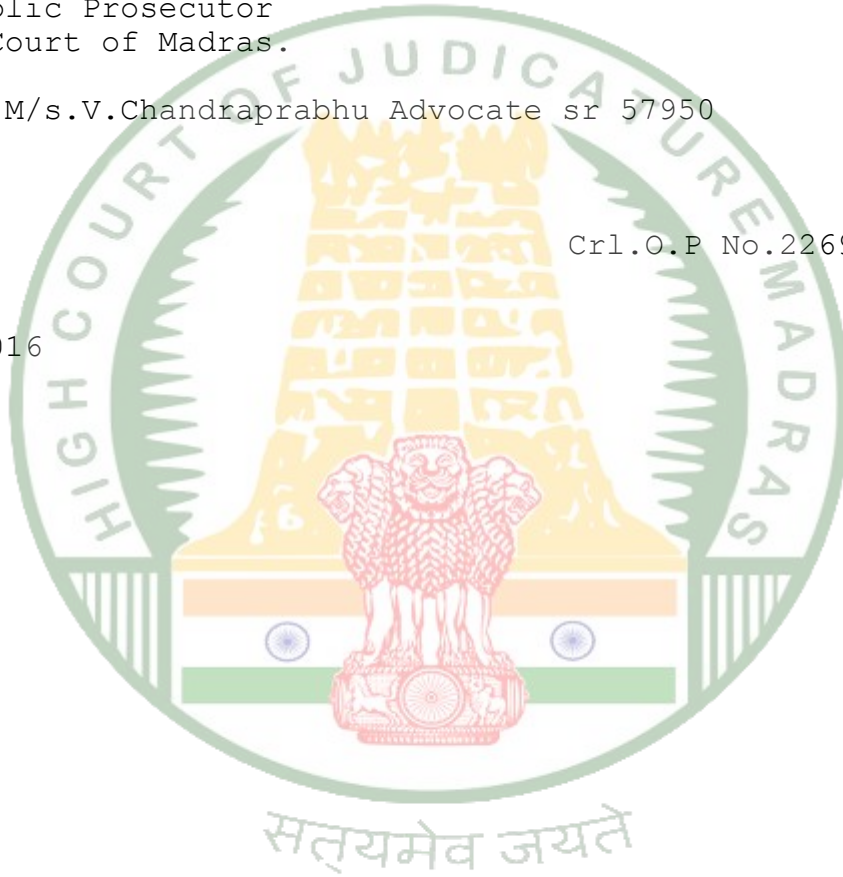
2. The Inspector of Police
Law and Order,
Kanathur Police Station,
Kanathur, Chennai.

3. The Public Prosecutor
High Court of Madras.

+2 ccs to M/s.V.Chandraprabhu Advocate sr 57950

Crl.O.P No.22692 of 2016

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