

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.OP No.712 of 2016

1. M.Subramonia Pillai,
S/o. S.Mahadevan Pillai

2. Remesh Vellore,
S/o. Blahayil Kunjunny Nair .. Petitioners

Vs

The State of Tamilnadu
Represented by
The Inspector of Police ,
Velacherry Police Station,
Chennai - 600 042 ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent to register a case on the complaint of the petitioner dated 13.11.2015 and investigate the same in accordance with law.

For Petitioners :Mr. P.Puhazh Gandhi

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to direct the respondent to register the complaint of the petitioner dated 13.11.2015 and investigate the same in accordance with law.

2. In the petition, it has been stated that the petitioners are residing at No.19A/1 and 19A/2, Jyotsna Alacrity, Padmavathy Nagar II street, Velachery, Chennai. One M/s. Esthell Homes, a construction company constructing a commercial cum residential building in the adjacent property of the petitioners. Due to the excavating work done by the said construction company, the adjacent residential properties were damaged. Hence, the petitioners' residential association gave a

representation to the CMDA authorities to stop Esthell Homes from further construction. Even thereafter, they continued their construction activities. Hence the petitioners lodged a complaint on 13.11.2015. But, till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. The learned Additional Public Prosecutor submitted that no cognizable offence is made out in the complaint and he opposed for giving direction. But, the learned counsel for the petitioner denied the same and submitted that the adjacent properties are being damaged due to the construction done by the construction company.

5. In view of the submissions made on either side, this Court directs the respondent to conduct enquiry on the complaint given by the petitioner dated 13.11.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out, the respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

To:

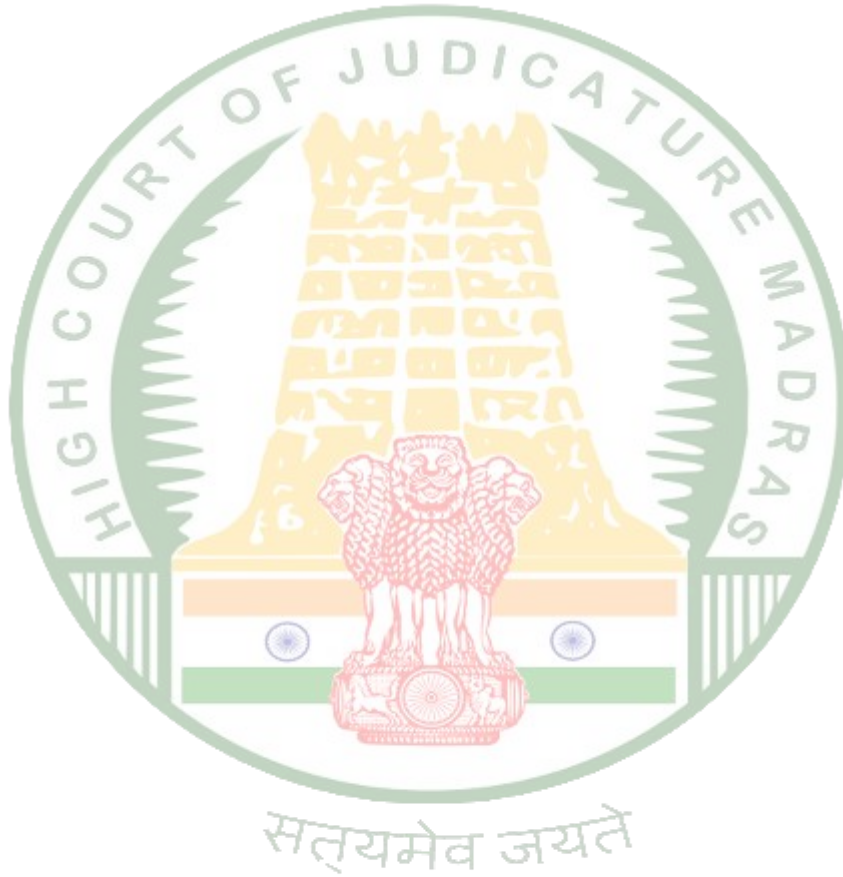
1. The Inspector of Police ,
Velacherry Police Station,
Chennai - 600 042

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.P.Puhazh Gandhi, Advocate, S.R.No.2791

Crl.OP No.712 of 2016

rsk(CO)
srg(28/01/2016)



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