

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.Nos.7682 to 7692 of 2016
and CrlMP Nos.5148 to 5158 of 2016
and Crl.MP.Nos.5159 to 5201 of 2016
and Crl.OP.Nos.7526 to 7568 of 2016

- 1 S.B. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
V.KANNIYAPPAN ...Petitioner in Crl.OP.No.7682/16
- 2 M.C.S. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
C.SETTU ...Petitioner in Crl.Op.No.7683/16
- 3 S.D.R.S.RETAIL FLOWER SHOP
REP.BY ITS PROPRIETOR,
S.DHARMARAJ ...Petitioner in Crl.OP.No.7684/16
- 4 S.P.R.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.SELVAM ...Petitioner in Crl.OP.No.7685/16
- 5 S.S.K.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.SELVAKUMAR ...Petitioner in Crl.OP.No.7686/16
- 6 D.P.M.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
P.THANASEKAR ...Petitioner in Crl.OP.No.7687/16
- 7 T.S.P. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
A. VARADARAJ ...Petitioner in Crl.OP.No.7688/16
- 8 K.K.L. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
K.KATHIRVEL ...Petitioner in Crl.OP.No.7689/16
- 9 T.M.A. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
T.MURUGAN ...Petitioner in Crl.OP.No.7690/16
- 10 P.D. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR D.DESILVA DANIEL RAJ
...Petitioner in Crl.Op.No.7691/16

- 11 T.N. RETAIL FLOWER SHOP
REP. BY ITS PROPRIETOR
T.N. NAGARAJAN ...Petitioner in Crl.OP.No.7692/16
- 12 V.P.R.SESUMARI RETAIL FLOWER
SHOP REP BY ITS PROPRIETOR
P.DHANARAJ ...Petitioner in Crl.OP.No.7526/16
- 13 R.K.P. RETAIL FLOWER SHOP REP
BY ITS PROPRIETOR
K.PALPANDY ...Petitioner in Crl.Op.No.7527/16
- 14 S.K.L.S.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.SASIKUMAR ...PETITIONER IN CRL.OP.No.7528/16
- 15 K.L.N.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.LINGAPPAN ...PETITIONER IN CRL.OP.No.7529/16
- 16 M.N.M.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
A.PALNISAMY ...PETITIONER IN CRL.OP.No.7530/16
- 17 MADHA RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.WILLIAN ELIYAS ...PETITIONER IN CRL.OP.No.7531/16
- 18 GOPAL RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
R.GOPAL ...PETITIONER IN CRL.OP.No.7532/16
- 19 DEVI SANKAR RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
P.SANKAR ...PETITIONER IN CRL.OP.No.7533/16
- 20 R.V.N.RETAIL FLOWER SHOP
REP BY ITS PROPEIRTOR
R.RAJAN ...PETITIONER IN CRL.OP.No.7534/16
- 21 SOWDAMBIGAI RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.RAJAMANI ...PETITIONER IN CRL.OP.No.7535/16
- 22 S.S.T.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.LOGANATHAN ...PETITIONER IN CRL.OP.No.7536/16
- 23 K.P.L.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
P.PERUMAL ...PETITIONER IN CRL.OP.No.7537/16

- 24 SHANMUGAVEL RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.V.SHANMUGAVEL ...PETITIONER IN CRL.OP.No.7538/16
- 25 J.A.K.SONS RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
A.NITHYANANDAN ...PETITIONER IN CRL.OP.No.7539/16
- 26 G.R.B.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.RAVI ...PETITIONER IN CRL.OP.No.7540/16
- 27 SATHISH RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.SATHISH ...PETITIONER IN CRL.OP.No.7541/16
- 28 SELVAPUSHPA VINAYAGA RETAIL
FLOWER SHOP
REP BY ITS PROPRIETOR
S.GOPALAKRISHNAN ...PETITIONER IN CRL.OP.No.7542/16
- 29 V.M.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
V.MURUGAN ...PETITIONER IN CRL.OP.No.7543/16
- 30 M.K.N.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
M.K.NAGARAJ ...PETITIONER IN CRL.OP.No.7544/16
- 31 DINESH RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.DINESH ...PETITIONER IN CRL.OP.No.7545/16
- 32 MAHALAKSHMI RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
O.VEERAH ...PETITIONER IN CRL.OP.No.7546/16
- 33 K.G.C.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.G.CHANDRASEKAR ...PETITIONER IN CRL.OP.No.7547/16
- 34 S.M.L.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.M.LOGANATHAN ...PETITIONER IN CRL.OP.No.7548/16
- 35 V.J.R.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
J.THOMAS PETER ...PETITIONER IN CRL.OP.No.7549/16
- 36 SHAN RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
P.ANAIKUTTY ...PETITIONER IN CRL.OP.No.7550/16

- 37 S.L.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
G.BAKJI ...PETITIONER IN CRL.OP.No.7551/16
- 38 K.T.B.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.T.RAJA ...PETITIONER IN CRL.OP.No.7552/16
- 39 C.K.B.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
C.BALAJI ...PETITIONER IN CRL.OP.No.7553/16
- 40 R.V.G.M.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
V.VELMURUGAN ...PETITIONER IN CRL.OP.No.7554/16
- 41 S.K.M.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
P.MUTHUKUMAR ...PETITIONER IN CRL.OP.No.7555/16
- 42 M/S.RAJU COMPANY
REP BY ITS PROPRIETOR
M.NAGAMANI ...PETITIONER IN CRL.OP.No.7556/16
- 43 S.J.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
M.SIVAKUMAR ...PETITIONER IN CRL.OP.No.7557/16
- 44 MANIVANNAN RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
A.MANIVANNAN ...PETITIONER IN CRL.OP.No.7558/16
- 45 TAS.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
T.ALAGARSAMY ...PETITIONER IN CRL.OP.No.7559/16
- 46 MARAN RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
R.MARAN ...PETITIONER IN CRL.OP.No.7560/16
- 47 BFM.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
R.RAJENDRAN ...PETITIONER IN CRL.OP.No.7561/16
- 48 ALAGU RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
ALAGU ...PETITIONER IN CRL.OP.No.7562/16
- 49 DMK RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
A.MANI ...PETITIONER IN CRL.OP.No.7563/16

- 50 KMS RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.MURALIMOHAN ...PETITIONER IN CRL.OP.No.7564/16
- 51 K.A.G.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
KA.GOPI ...PETITIONER IN CRL.OP.No.7565/16
- 52 G.S.S.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
S.VENKATESAN ...PETITIONER IN CRL.OP.No.7566/16
- 53 N.R.A.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
N.R.ARUMUGAM ...PETITIONER IN CRL.OP.No.7567/16
- 54 KMR.RETAIL FLOWER SHOP
REP BY ITS PROPRIETOR
K.MUTHUVANAN ...PETITIONER IN CRL.OP.No.7568/16

Vs

The State rep by.,
Inspector of Police (Law & Order),
C-1, Flower Bazaar Police Station,
Flower Bazaar, Chennai-600 001. Respondent

Prayer:- Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure to direct the respondent not to harass the petitioners.

For Petitioners :Mr.K.Shivakumar

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

Ms.Karthika Ashok for Corporation

ORDER

These petitions have been filed to direct the respondent not to harass the petitioners.

2.It is the case of the petitioners that these petitioners are retail flower shop vendors, occupying the market in Badrian Street and they are being harassed by the police and asked to vacate the shops. Therefore, they have approached this Court for a direction to the Authorities not to harass them.

3.Admittedly, there are civil litigations pending before the civil forum, in respect of status of the petitioners. While so, an order was passed by this Court in W.P.No.1085 of 2015 dated 15.05.2016, pursuant to which, Contempt Petition No.2406 of 2016 has been filed against CMDA for their failure to evict the flower

traders from Badrian Street. On account of the Contempt proceedings, the Civil Authorities have approached the police for protection and it is the duty of the police to give police protection for implementation of orders.

4.Under such circumstances, the act of the respondent police accompanying the CMDA officials for eviction of the retail flower vendors cannot be said to be illegal.

5.In the case of this nature, this Court cannot give a direction to the respondent police not to harass the petitioners, as that will be impeding the orders passed by this Court in the earlier Writ Petition.

Hence, these Criminal Original Petitions are closed with liberty to the petitioners to work out their remedies in the manner known to law. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police (Law & Order),
C-1, Flower Bazaar Police Station,
Flower Bazaar,
Chennai-600 001.

2.The Public Prosecutor,
High Court, Chennai.

+54 cc's to K.Shivakumar,advocate,sr.34027, 34029

+1 cc to M/s.Karthik Ashok,advocate,sr.33382.

vs (co)
krd 1/8

WEB COPY

Crl.OP.Nos.7682to7692/2016
&CrlMP Nos.5148to5158/2016
&Crl.MP.Nos.5159to5201/2016
&Crl.OP.Nos.7526to7568/2016