

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.16218 of 2017

P.Subramaniam

.. Petitioner

Vs

1.State, rep. by
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai 600 021

2.The Deputy Commissioner of Police,
Washermenpet
Chennai 600 081

.. Respondents

This petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus for calling the records in Crime No.607 of 2017 on the file of the first respondent and direct the respondents (i) to investigate into the case in Crime No.607 of 2017 expeditiously and to file a final report, (ii) To give sufficient Police protection to the properties of the trust and to evict the tress passers.

For Petitioner : Mr.N.R.Elango,
Senior Counsel for M/s. Aruna Elango

For Respondents: Mr.D.Vairamoorthy
Special Government Pleader

O R D E R

Sir P.Theagaraya Trust has been owning several properties. Out of which a property measuring an extent of 10 grounds approximately in R.S.No.1868/1, 1868/16, 1868/17 and 1868/18 in Korukkupet, chennai, has been earmarked for the purpose of burial ground for the family members of Sir P.Theagaraya Chetty. It is submitted that the dependence of late Sir P.Theagaraya Chetty have been buried in the said property. The cause of action for the present writ petition is owing to trespass of the burial ground belonging to the trust. Hence, a complaint was given to the Inspector of Police, Korukkupet on 29.04.2017 based on which

an FIR in Cr. No.607/2017 came to be registered. Since no effective action was initiated by the respondent Police, this writ petition has been filed.

2. Heard Mr.N.R.Elango, learned Senior Counsel appearing for the Petitioner and Mr.D.Vairamoorthy, learned Special Government Pleader.

3. Pending the writ petition, the respondent Police seems to have provided adequate protection and have also removed encroachment made inside the burial ground. As such, the petitioner's grievances with regard to the encroachment inside the burial ground has been rectified. However, when the matter was taken up, the learned senior counsel submitted that they intend to reconstruct the compound wall around the said burial ground. At this juncture, the learned Special Government Pleader on instruction submitted that they would provide adequate police protection, in order to maintain order, if any, during such construction. The learned Senior Counsel also submitted that if such protection is given, he would be satisfied and that the further action in Cr.No.607/2017 may be dropped.

4. Recording the submission made by the learned senior counsel as well as the learned Special Public Prosecutor, this writ petition is disposed of W.M.P. 17529 of 2017 is closed.

-s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

jbm/sai

To

1.The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai 600 021

2.The Deputy Commissioner of Police,
Washermenpet
Chennai 600 081

+1 CC to Govt. Pleader sr 47690

+2 Ccs to M/s. Aruna Elango, advocate sr 47591

W.P.No.16218 of 2017

SP(21/07/2017)