

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.5845 of 2015

R.Subramanian

... Petitioner

Vs

1.The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai 600 007.

2.The Deputy Commissioner of Police
St.Thomas Mount
Chennai 600 016.

3.The Assistant Commissioner of Police
Madipakkam Range,
Chennai 600 091.

4.The Inspector of Police
Pallikaranai Police station
Pallikaranai, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to give suitable police protection to the petitioner's property pertaining to Plot No.20 at Pallikaranai Village, Varadharajapuram, as per the order passed by the learned Principal Subordinate Judge, Chinglepur in O.S.No.243/207 dated 8.8.2008 by preventing the unauthorized persons from their illegal attempt of trespass.

For Petitioner : Mr.K.M.Subramaniam
For Respondents : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition to direct the respondents to give suitable police protection to his property pertaining to Plot No.20 at Pallikaranai Village, Varadharajapuram, as per the order passed by the learned

Principal Subordinate Judge, Chingleput in O.S.No.243/2007 dated 8.8.2008, by preventing the unauthorized persons from their illegal attempt of trespass.

2.In O.S.No.243 of 2007 and by an order dated 08.08.2008, the petitioner was declared as the owner of the property. According to the learned counsel for the petitioner, the title of the property is vested with the petitioner. Despite the same, one Mr. Balaji and Mr.Chandran attempted to encroach upon the property. Therefore, the petitioner preferred a complaint on 06.01.2015 to the first respondent. However, so far no action has been taken. Hence, the petitioner is before this Court, seeking Police protection for the petitioner's property.

3.Learned counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayer for. Thus, he sought for similar direction in this petition also.

4.On the above submissions, I have heard also the learned Additional Public Prosecutor and perused the entire materials available on record.

5.In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, in paras 7 and 8, this Court has held as follows:-

"7.In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11.When police protection is sought for the implementation of a civil court order it should be

given readily. Police should not insist on a specific court direction to give police protection."

8.What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil court order, it should be given readily. In the instant case also, the petitioner has obtained an order passed by the learned Principal Subordinate Judge, Chingleput in O.S.No.243/2007 dated 8.8.2008, by preventing the unauthorized persons from their illegal attempt of trespass. Hence, based on the said order, the petitioner is entitled to get police protection.

6.In the result, the respondent police is directed to consider the complaint preferred by the petitioner dated 06.01.2015 on merits and in accordance with law, after issuing notice to the petitioner as well as all the interested parties, and take appropriate action within a period of four weeks from the date of receipt of a copy of this order. Till then, the respondent police is directed to provide adequate police protection to the petitioner. However, the same will be at the cost of the petitioner.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

WEB COPY
Sub Assistant Registrar

Rpa/gsk

To

1.The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai 600 007.

2.The Deputy Commissioner of Police
St.Thomas Mount
Chennai 600 016.

3.The Assistant Commissioner of Police
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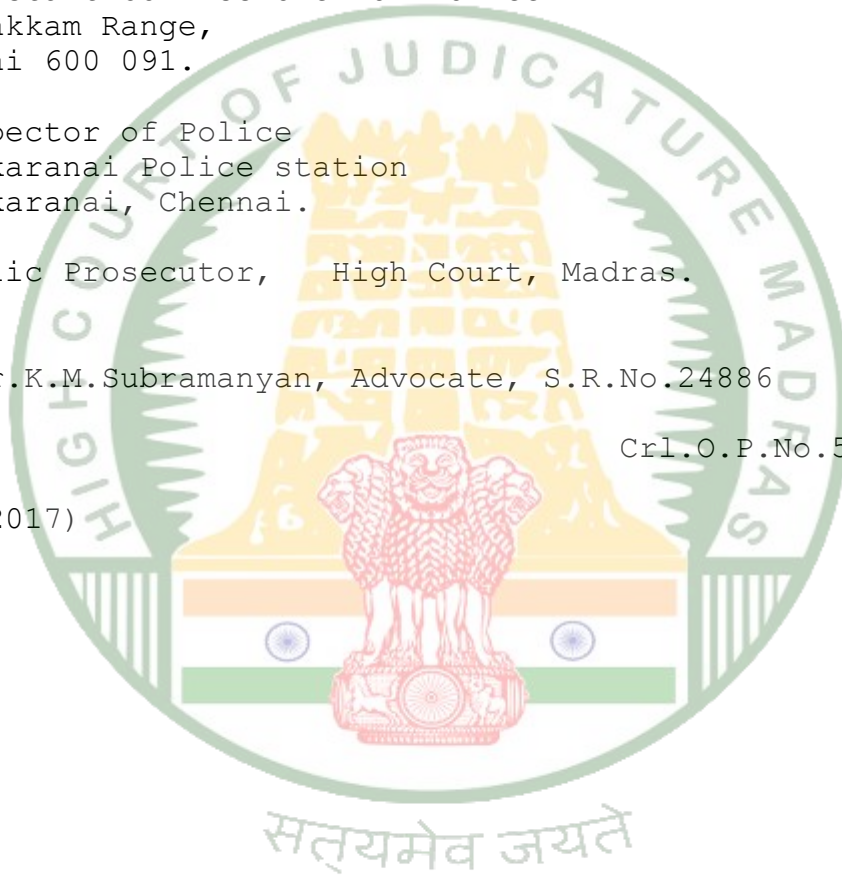
4.The Inspector of Police
Pallikaranai Police station
Pallikaranai, Chennai.

5.The Public Prosecutor, High Court, Madras.

+lcc to Mr.K.M.Subramanyan, Advocate, S.R.No.24886

CrI.O.P.No.5845 of 2015

KJI (CO)
RS (15/02/2017)



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