

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P. No.9390 of 2016

M.Chinnu .. Petitioner

versus

1.The Deputy Superintendent of Police,
Chengalpet Taluk,
Kancheepuram District.

2.The Inspector of Police,
H-1, Otteri Police Station,
Kancheepuram District.

3.G.Padma

4.S.R.Govindan

5.G.Karunakaran

6.G.Ramya

7.T.Jothi

8.M.Maithilli

[R-3 to R-8 impleaded as per the order dated
22.06.2016 made in Crl.M.P.No.6658 of 2016
in Crl.O.P.No.9390 of 2016] .. Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the first respondent in relation to the order made in C.No.03/camp/SDO/VANR/2016 dated 15.03.2016 and quash the same and consequently, direct the respondents to provide adequate police protection to the petitioner and to the labourers involved in construction of the compound wall in S.No.72/1A and in 72/1B2 Kolapakkam Village, Chengulpet Taluk, Kancheepuram District, measuring an extent of 60 cents.

For Petitioner : Mr.M.R.Thangavel

For Respondent Nos.1 & 2 : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed to call for the records of the first respondent in C.No.03/camp/SDO/VANR/2016 dated 15.03.2016 and quash the same and consequently, direct the respondents to provide adequate police protection to the petitioner and to the labourers involved in construction of the compound wall in S.No.72/1A and in 72/1B2 Kolapakkam Village, Chengulpet Taluk, Kancheepuram District, measuring an extent of 60 cents.

2. The petitioner claims to be the owner of the property. Except the fourth respondent, respondents 3, 5 to 8 are causing hindrance to the petitioner and his property. Despite several complaints, no action was taken by the respondent police. Hence, the petitioner approached this Court to give police protection. Accordingly, on 05.11.2015 in CrI.O.P.No.27261 of 2015, this Court directed the respondent police to give adequate police protection. A direction in that order reads as follows :

"6. In view of the submissions made by the learned counsel on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same and pass an appropriate order with regard to providing of adequate police protection to the petitioner and to the labourers involved in the construction of the compound wall in S.No.72/1A and in 72/1B2 Kolapakkam Village, Chengalpet Taluk, Kancheepuram District, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties if any, on merits and in accordance with law."

Enclosing the copy of the said order, a representation dated 29.12.2015 came to be presented before the respondent police, who in turn passed the impugned order, which is questioned before this Court.

3. Learned counsel appearing for the petitioner submitted that on 08.02.2016 as claimed by the first respondent in the impugned order that there was no interim order granted by the learned District Munsif, Chengalpattu, without even verifying the said order, the second respondent police directed the

petitioner to go before the learned District Munsif, Chengalpattu, which is nothing but non application of mind as well as violation of the order of this Court.

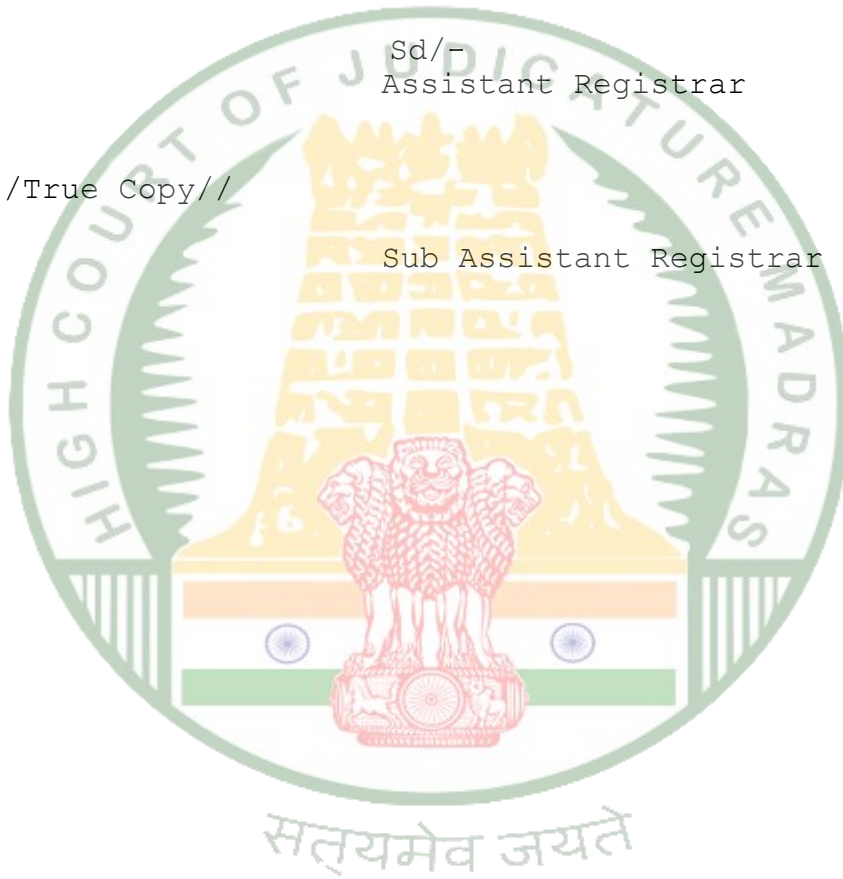
4. In view of the above, without going into the other aspects of the case, this Court directs the second respondent police to provide adequate police protection to the petitioner forthwith. This Criminal Original Petition is disposed of accordingly.

Call this matter after two weeks for reporting compliance.

Sd/-
Assistant Registrar

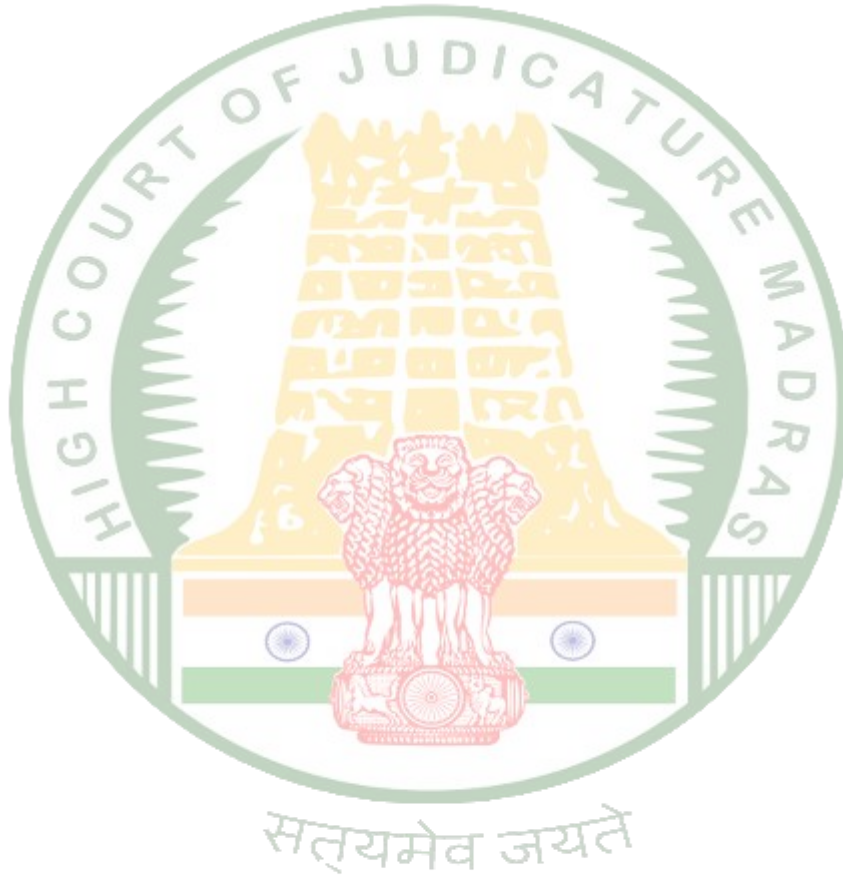
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Sub Assistant Registrar



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To

1.The Deputy Superintendent of Police,
Chengalpet Taluk,
Kancheepuram District.

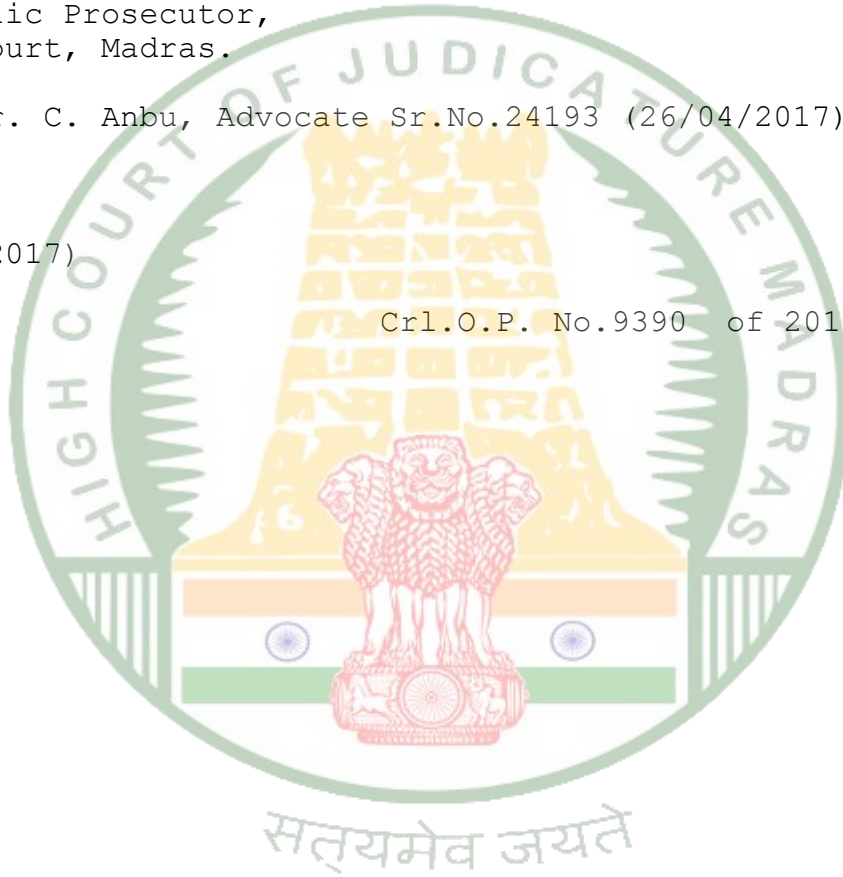
2.The Inspector of Police,
H-1, Otteri Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. C. Anbu, Advocate Sr.No.24193 (26/04/2017)

rj (CO)
md(20/04/2017)

CrI.O.P. No.9390 of 2016



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