



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P. (MD) .No.13713 of 2017

Marudhu @ Marudhupandi

... Petitioner

-vs-

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Deputy Superintendent of Police,
Sivakasi Range, Sivakasi,
Virudhunagar District.

3.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.

4.Kauppaiah

5.Pavun

6.Kanchithalaivan

7.Mariappan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue a direction to the Respondents No.1 to 3 to give adequate police protection to the petitioner to remove demolished superstructure of the building owned by the petitioner bearing Door Nos.50G, 50F, 50E, 50D, 50/B, 50/H, Ward No.D, Block No.16, comprised in S.F.Nos.28/1, 2, 3, 4 and 5 part, Bharathi Nagar 5th Street, Sivakasi Town, Virudhunagar District.

For Petitioner : Mr.A.Rahul

For Respondents 1 to 3 : Mr.K.S.Durai Pandian

Additional Public Prosecutor

For Respondents 4 to 7 : Mr.T.A.Ebenesar

**O R D E R**

This petition is filed for issuing a direction to the respondents 1 to 3 to give adequate police protection to the petitioner to remove the demolished superstructure of the building owned by the petitioner bearing Door Nos.50G, 50F, 50E, 50D, 50/B, 50/H, Ward No.D, Block No.16, comprised in S.F.Nos.28/1, 2, 3, 4 and 5 part, Bharathi Nagar 5th Street, Sivakasi Town, Virudhunagar District.

2.The petitioner states that the petitioner is the owner of the Shopping Complex called L.M.Shopping Complex and the same is located at Door Nos.50G, 50F, 50E, 50D, 50/B, 50/H, Ward No.D, Block No.16, comprised in S.F.Nos.28/1, 2, 3, 4 and 5 part, Bharathi Nagar 5th Street, Sivakasi Town, Virudhunagar District. It is further stated that there was about 6 shops in a row in the ground floor as well as in the first floor. The petitioner states that he has rented the said shops to various third parties. It is further stated that one of the tenants of the petitioner by name Jagadeesan engaged in the Trade of Fire Crackers. Due to a fire accident in the shopping complex on 02.07.2016 at 21.15 hrs, it is stated that the entire shopping complex of the petitioner was damaged and the entire building was also demolished by the Police and Fire and Rescue officials.

3.The case of the petitioner is that the debris of the demolished structures could not be removed by the petitioner immediately due to incessant rain. However, it is further stated that when the petitioner took steps to remove the demolished superstructure on 18.09.2017, the fourth respondent and his relatives obstructed the petitioner from undertaking the said job.

4.In these circumstances, the petitioner stated that he has lodged a complaint on 19.09.2017 to the third respondent seeking police protection. Since third respondent has neither registered a

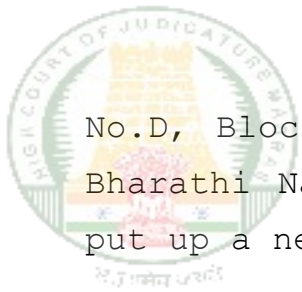


complaint nor taken any action, the petitioner states that he is constrained to approach this Court seeking a police protection.

5. The learned counsel appearing for the respondents 4 to 7 submitted that the building owned by the respondents 4 to 7 also was damaged and that a writ petition is also filed by their father and it is pending before this court in W.P.(MD).No.14752 of 2016. In the said writ petition, the petitioner has claimed compensation for the loss and for restoration of their livelihood.

6. It is also stated by the learned counsel for the petitioner that the respondents 4 to 7 and their relatives were also allotted some lands temporarily. Be that as it may, this court does not find any justification for preventing the petitioner from removing the debris of the demolished building from his own land. The petitioner states that he wants to remove the debris of demolished building for the purpose of putting up a new construction. The learned counsel for the petitioner states that the petitioner has made some arrangements with some of the proposed tenants to put up construction so as to continue to pay the EMI which he could not do earlier in view of the accident.

7. The learned counsel for the respondents 4 to 7 requested that the petitioner may also be asked to demolish their building. The respondents have constructed their building adjoining the petitioner land. This Court is not inclined to accept the submission of the respondents while preserving liberty to the respondents 4 to 7 to approach appropriate forum for their grievance and they cannot obstruct the petitioner from removing the debris or the building materials or putting up new construction in the property. In that view of the matter, this Court is inclined to issue the following direction to the respondents. Hence, this petition is allowed and respondents 1 to 3 are directed to give adequate police protection to remove the demolished construction of the building owned by the petitioner bearing Door Nos.50G, 50F, 50E, 50D, 50/B, 50/H, Ward



No.D, Block No.16, comprised in S.F.Nos.28/1, 2, 3, 4 and 5 part, Bharathi Nagar 5th Street, Sivakasi Town, Virudhunagar District and put up a new construction in the land.

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Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sivakasi Range, Sivakasi,
Virudhunagar District.
- 3.The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.

+1cc to M/S.T.A.EBENEZER, Advocate SR.No.93388.

+1cc to M/S.A.RAHUL, Advocate SR.No.93440.

Cr1.O.P. (MD) .No.13713 of 2017
15.12.2017

vsg

SDS/SV:MMS/SAR 1/08.01.2018/4P/6C