



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.7696 of 2017

K.Rajavel

... Petitioner

-Vs-

1. The Chairman,
Sangamirtham Social Trust,
D.No.67, Madurai Main Road,
Crawford, Tiruchi-620 012.
2. The Dean,
Nlanda College of Agriculture,
Tiruchi-Chennai National Highways,
Nedungur,
Tiruchi-621 105.
3. The Inspector of Police,
Sirukanoor Police Staion,
Trichy District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the 3rd respondent to give police protection to the petitioner to take his daughter's suitcase from the Nalanda College of Agriculture's hostel, at Sirunkoor, Trichy District.

For Petitioner : Mr.C.Prabhu Rajadurai
For R1 & R2 : Mr.D.Selva Raj
For R3 : Mr.K.Anbarasan
Government Advocate(Crl.Side)

O R D E R

This petition has been filed for a direction to the third respondent to give police protection to the petitioner to take his daughter's suitcase from Nalanda College of Agriculture's hostel at Sirunkoor, Trichy District.

2. The learned counsel filed vakalat for R2 says that he represents him in the first respondent.



3. The facts of the case disclose that the petitioner's daughter was originally admitted in the respondent Institution. Subsequently, she got admission for B.S.M.S., Course in Siddha Medical College at Thiruvattar and therefore, she discontinued her studies. However, the respondent Institution did not return the certificates of the petitioner's daughter and did not refund a sum of Rs.4,00,000/- which was paid by the petitioner by way of fees. Despite several representations made, the request of the petitioner was not considered. Therefore, the petitioner was earlier constrained to file a Writ Petition in W.P(MD)No.23795 of 2016 to direct the respondents 1 and 2 to take necessary action to return the certificates and other testimonials of the petitioner's daughter. The writ petition was allowed by an order dated 04.04.2017 by directing the second respondent to return all the certificates produced by the petitioner's daughter at the time of admission, within a period of one week. It is represented that the petitioner's daughter could get the certificates only after Contempt Petition No.888 of 2017 was filed before this Court.

4. In such circumstances, the petitioner has come forward once again with the prayer to give police protection to the petitioner to take the daughter's suitcase from Nalanda College of Agriculture's hostel, Sirunkoor, Trichy District, administered by the respondents 1 and 2.

5. Having regard to the peculiar facts and circumstances of the case, the petitioner's apprehension cannot be ignored. The petitioner wants to get his daughter's suitcase from the second respondent which was kept by the daughter of petitioner in the hostel.

6. In the above said circumstances, this Court is inclined to pass the following order:

The second respondent is directed to hand over the suitcase to the third respondent in the presence of the petitioner and the third respondent police shall hand over the suitcase to the petitioner, after receiving an acknowledgment from the petitioner.

For the said purpose, the first respondent shall send the article through one of his representative, who should be authorised a letter in writing. The first respondent is therefore directed to hand over the suitcase to the third respondent on 26.07.2017 at 11.00 a.m.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.



To

1. The Chairman,
Sangamirtham Social Trust,
D.No.67, Madurai Main Road,
Crawford, Tiruchi-620 012.

2. The Dean,
Nlanda College of Agriculture,
Tiruchi-Chennai National Highways,
Nedungur,
Tiruchi-621 105.

3. The Inspector of Police,
Sirukanoor Police Staion,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.G.Prabhu Rajadurai, Advocate, SR.No. 66357
+1CC to Mr.D.Selvaraj, Advocate, SR.No. 66354

CRL.O.P.(MD)No.7696 of 2017
18.07.2017

psd/akv
AM/SKN RSK/SAR 4/19.07.2017/3P/7C