



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2017

CORAM

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

Crl.O.P.(MD) No.8191 of 2017

WEB COPY

Syed Abdul Khader

... Petitioner

-vs-

The State, represented by,

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

2.The Inspector of Police,
B2, Bazaar Police Station,
Ramanathapuram.

3.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying this Court to direct the respondents 1 to 3 to give police protection for the demolition of the petitioner's building situated in Door No.7A, 7B, Agraharam Road, Ramanathapuram Town(tax assessment No.49/1, 49, 49/2, 49/3 and 49/4).

For Petitioner : Mr.P.T.Ramesh Raja

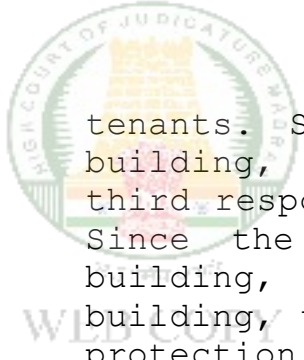
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed praying this Court to direct the respondents 1 to 3 to give police protection for the demolition of the petitioner's building situated in Door No.7A, 7B, Agraharam Road, Ramanathapuram Town (tax assessment No.49/1, 49, 49/2, 49/3 and 49/4).

2.Heard the learned counsel for the Petitioner and the learned Government Advocate(Crl.side) appearing for the respondents and perused the materials placed before this Court.

<https://hcservices.ecourt.gov.in/hcservices/> the Petitioner would disclose that the building requires demolition,the building is now in the possession of



tenants. Stating that the tenants are refusing to vacate the building, the petitioner appears to have given a petition to the third respondent/Local Body to demolish the building on their own. Since the third respondent refused to demolish the private building, but gave a notice to the Petitioner for demolition of building, the Petitioner has now approached this Court for police protection. If the building is in the occupation of the tenants and it requires immediate demolition, it is open to the Petitioner to approach the Rent Controller and to take steps to evict the tenants on the ground of demolition and reconstruction. In such circumstances, the present petition without impleading the tenants who is in possession and enjoyment of the building, is clearly an abuse of process of law.

4.Hence, this Criminal Original Petition is dismissed. However, liberty is given to the Petitioner to get an order from the local body, after giving notice to the tenants or to file petition before Rent controller.

Sd/-

Assistant Registrar (AD II)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
B2, Bazaar Police Station,
Ramanathapuram.
- 3.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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