

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.21167 of 2018

Satharasala Sharath Babu

.. Petitioner

vs.

1.The Commissioner of Police
Greater Chennai
Vepery,
Chennai 600 003.

2.The Inspector of Police
Ambattur Police Station
Ambattur
Chennai 600 053.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to give necessary police protection to the property of the petitioner herein in PLOT No.41 of property situated in Door No.75, Mounaswamy Madam Street, Ambattur OT, Chennai 600053.

For Petitioner Mr.C.D.Johnson

For Respondents Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondent police to give necessary police protection to the property of the petitioner herein in PLOT No.41, Door No.7, Mounaswamy Madam Street, Ambattur OT, Chennai 600053.

2. It is the case of the petitioner that he is in possession of plot nos.35 and 41 in 36 Mounaswamy Street, Ambattur and that some unknown persons illegally trespassed into the property and caused damage to it. In this connection, the petitioner has given a complaint to the second respondent police, based on which, CSR No.1224 of 2018 has been issued. Under such circumstances, the petitioner is before this Court with the above prayer.

3. Heard Mr.C.D.Johnson, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.Side) for the State.

4. Learned Government Advocate (Crl.Side) submitted that the plots are vacant plots and that, apart from the petitioner, two other persons, viz., Sumathi and Balachandran are claiming title to the property. He also submitted that Sumathi had filed O.S.No.14 of 2012 for bare injunction against the petitioner and Balachandran and the said suit has been dismissed on 05.03.2018. After the dismissal of the said suit, the petitioner is claiming possessory rights over the property.

5. This Court gave its anxious consideration to the rival submissions.

6. In the opinion of this Court, no finding can be given either with regard to the title or possession of a property, in a petition under Section 482 Cr.P.C., nor can this Court give a direction to the police to give police protection to the petitioner. If such a direction is given, it would amount to this Court recognising that the petitioner is in possession of the property, which as stated earlier, cannot be done by this Court in a petition under Section 482 Cr.P.C.

7. Under such circumstances, this petition is closed with liberty to the petitioner to work out his remedies before the civil forum. However, the respondent police shall ensure that there is no law and order problem in that area.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The Commissioner of Police
Greater Chennai
Vepery,
Chennai 600 003.

WEB COPY

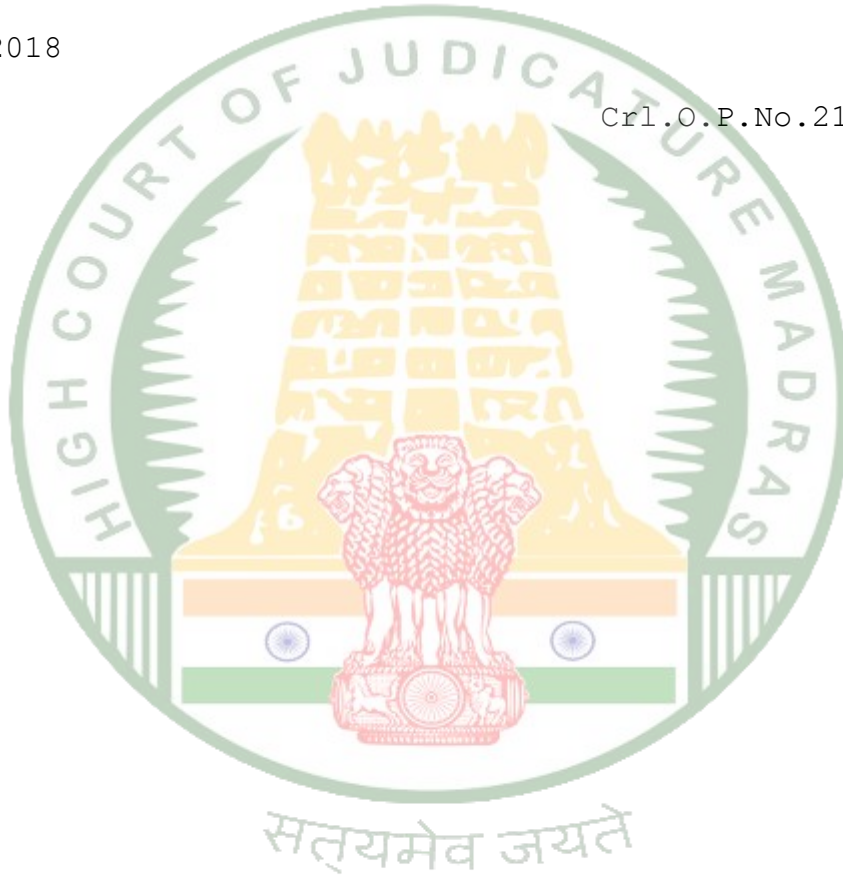
2.The Inspector of Police
Ambattur Police Station
Ambattur
Chennai 600 053.

3.The Public Prosecutor
High Court, Madras.

+lcc to M/s.P.Venkateshan, Advocate SR.No.68657

RR(CO)
sm:26.10.2018

Crl.O.P.No.21167 of 2018



WEB COPY