

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.10669 of 2018
and Cr1.M.P.No.5804 of 2018
and
Cr1.O.P.No.11310 of 2018

Cr1.O.P.No.10669 of 2018

1.Subashini

2.Ezhil KumarPetitioners

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepary,
Chennai.

2.The Inspector of Police,
J-4 Police Station,
Kotturpuram,
Chennai.

.... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondents to provide police protection to the petitioners herein to remove the debris and proceed with the construction at 12/11, Sri Ram Nagar, 1st Main Road, Taramani, Chennai 600 113.

Cr1.O.P.No.11310 of 2018

S.NamachivayamPetitioner

Vs.

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

2.The Deputy Commissioner of Police,
Mylapore Division,
Mylapore, Chennai -4.

3.The Assistant Commissioner of Police,
Kotturpuram, Chennai.

4.The Inspector of Police,
J-4 Kotturpuram Police Station,
Kotturpuram,
Chennai.

5.Ms.Subashini ... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondents 1 to 4 to provide police protection to the petitioner herein with police protection to safeguard his lawful possession and to prevent forcible eviction from the property situate at No.12/11, Sri Ram Nagar, 1st Main Road, Taramani, Chennai 600 113, pending disposal of the above referred suit in O.S.No.1330 of 2018 on the file of the Hon'ble IV Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.M.Balasubramanian
(in CrI.O.P.No.10669 of 2018)

Mr.S.Sathya Narayanan
(in CrI.O.P.No.11310 of 2018)

For Respondents : Mr.C.Raghavan
Government Advocate (CrI.Side)
(in CrI.O.P.No.10669 of 2018
and for R.1 to R.4 in
CrI.O.P.No.11310 of 2018)

Mr.M.Balasubramanian
(For R.5 in CrI.O.P.
No.11310 of 2018)

COMMON ORDER

While Criminal Original Petition No.10669 of 2018 has been filed to direct the respondents to provide police protection to the petitioners to remove the debris and proceed with construction at 12/11, Sri Ram Nagar, 1st Main Road, Taramani,

Chennai 600 113, Criminal Original Petition No. 11310 of 2018 has been filed to direct the respondents 1 to 4 to provide police protection to the petitioner to safeguard his lawful possession and to prevent forcible eviction from the property situate at No.12/11, Sri Ram Nagar, 1st Main Road, Taramani, Chennai 600 113, pending disposal of the suit in O.S.No.1330 of 2018 on the file of the IV Assistant City Civil Court, Chennai.

2.For the sake of convenience, the parties will be referred to by their name.

3.It is the case of Namachivayam that he is a tenant in the building bearing Door No.5/11, Bajanai Koil Street, Sri Ram Nagar, Taramani P.O., Chennai 600 113.

4.It is the case of Subashini that the said building is in a dilapidated condition and therefore, the same has to be demolished. The Deputy Commissioner of Greater Chennai Corporation, issued a notice 27.11.2017 under Section 258 of the Chennai City Municipal Corporation Act 1919, directing her to demolish the said building. Challenging the said demolition order, Namachivayam filed a Writ Petition in W.P.No.31638 of 2017 and the same was dismissed by order dated 03.01.2018 after hearing the Corporation of Chennai and Subashini holding that the building is in a dilapidated condition and it requires to be demolished. Challenging the said order, Namachivayam filed W.A.No.276 of 2018, which has been dismissed by this Court on 28.02.2018.

5.It is the contention of Namachivayam that he is a tenant in the building and he is in possession of the property.

6.However, the building is in a dilapidated condition. In such circumstances, Subashini and another have filed CrI.O.P.No.10669 of 2018 to provide police protection and to remove debris and safeguard the possession.

7.This Court, at this stage, cannot decide as to who is in original and lawful possession of the property. However, it is seen that the property was in a dilapidated condition and it requires to be demolished for the safety of humans inhabiting therein.

8.Admittedly, the building has been razed. In such circumstances, no protection as claimed by Namachivayam in CrI.O.P.No.11310 of 2018 can be granted. However, police protection is granted to Subashini, who has filed CrI.O.P.No.10669 of 2018 to remove debris from inside and outside the building. The police authorities concerned are directed to provide police protection in this regard to

Subashini for the purpose of removing debris from inside and outside the building.

The Criminal Original Petitions are disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

cla

To

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

2. The Inspector of Police,
J-4 Kotturpuram Police Station,
Kotturpuram,
Chennai.

3. The Deputy Commissioner of Police,
Mylapore Division,
Mylapore, Chennai -4.

4. The Assistant Commissioner of Police,
Kotturpuram, Chennai.

5. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.M.BALASUBRAMANIAN, Advocate, S.R.No. 27589

CrI.O.P.Nos.10669 of 2018
and 11310 of 2018

MP (CO)
TR (26/04/2018)

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