

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.27537 of 2017

M/s.George Educational, Medical & Charitable Society,
Rep. by its Chairman
Mr.Christopher George
Having reg. office at
Anandha Bhawan,
Kodwadar Post,
Thiruvananthapuram,
Kerala.

.. Petitioner
Vs

1.Deputy Commissioner of Police,
O/o.DCP, T.Nagar,
Chennai-17.

2.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.

3.M/s.Vasan Health Care Pvt. Ltd.,
Rep. by its Chairman & M.D.,
Door No.18, New No.383,
Anna Salai, Saidapet,
Chennai-15.

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent herein namely, Inspector of Police, J-1, Saidapet Police Station, Chennai-15 to provide police aid to the petitioner at the time of execution of warrant in E.P.No.398 of 2017 on the file of XV Small Causes Court, Chennai.

For Petitioner : Mr.P.B.Ramanujam

For R1 and R2 : Mr.C.Raghavan

Govt. Advocate [Crl. Side]

O R D E R

This Criminal Original Petition has been filed praying to direct the 2nd respondent herein to provide police aid to the petitioner, at the time of execution of warrant in E.P.No.398 of 2017.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.The 3rd respondent was a tenant under the petitioner in door No.18, New No.383, Anna Salai, Saidapet, Chennai-15, comprising six floors. The petitioner initiated rent control proceedings in R.C.O.P.No.1747 of 2015 and has obtained an order of eviction, from the Rent Controller on 04.02.2017. Thereafter, the petitioner filed execution petition in E.P.No.398 of 2017, for evicting the 3rd respondent from the premises. The Rent Controller also ordered police protection to the bailiff, for executing the warrant. However, since police aid was not provided to the bailiff, the warrant has been returned unexecuted by the bailiff.

4.When the petitioner approached the police, the petitioner was informed that the 3rd respondent had filed a "not to harass petition" in CrI.O.P.No.19153 of 2017, in which, this Court by order dated 14.09.2017, has issued certain direction to the police directing them to issue a summon under Section 160 of Cr.P.C., before calling the petitioner therein [3rd respondent herein] for enquiry. It is the contention of the police that in view of the not to harass order passed by this Court, they cannot provide police aid to the bailiff.

5.In the opinion of this Court, the not to harass order cannot prevent the police, from providing police protection to the bailiff, pursuant to the orders of the Rent Controller. Therefore, the police are directed to provide sufficient protection to the bailiff, for executing the warrant of eviction issued by Rent Controller, as and when the police are approached.

With the above direction, this Criminal Original Petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Commissioner of Police,
O/o.The DCP, T.Nagar,
Chennai-17.

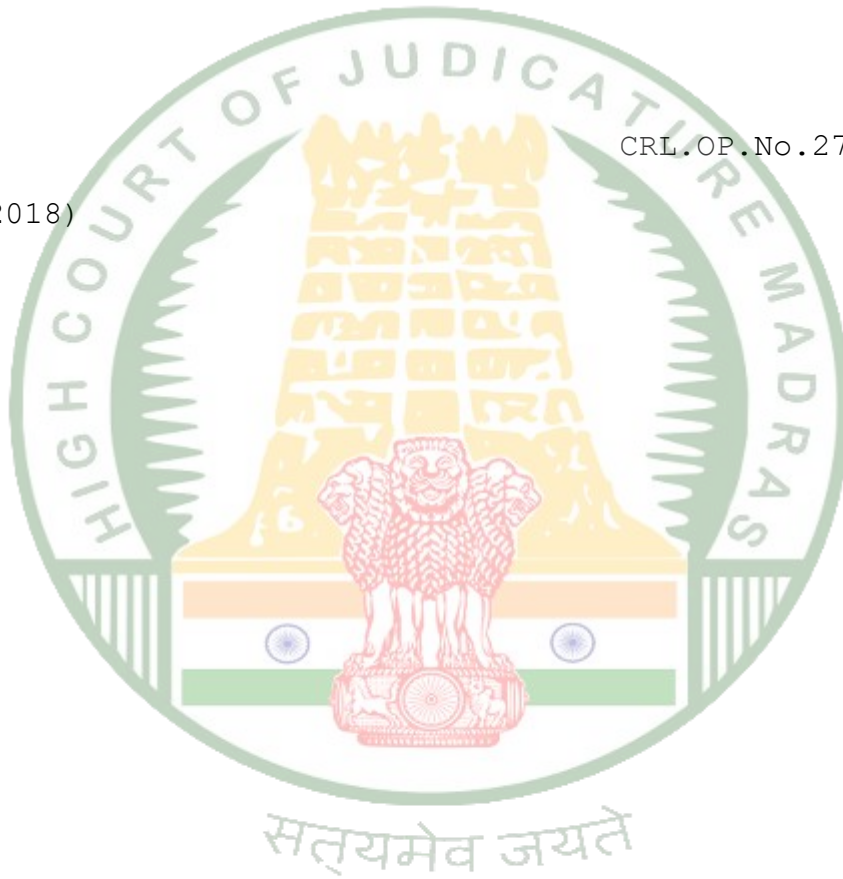
2.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.B. Ramanujam, Advocate sr 27091.

SP(13/04/2018)

CRL.OP.No.27537 of 2017



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