

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

W.P.No.25918 of 2018
and
W.M.P.No.31886 of 2018

R.Ramaram

... Petitioner

Vs.

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

2. The Deputy Commissioner of Police,
Triplicane, Chennai.

3. The Inspector of Police,
Triplicane, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to provide effective and adequate police protection to the petitioner and his workers for renovating the property situated at Old No.50/51, New Door No.32, Wallaja Road, Triplicane, Chennai - 600 005 admeasuring to an extent of 1045 sq.ft. (833+212 sq.ft) in view of the petitioner's complaint dated 10.09.2018 by appreciating the above stated facts and circumstances.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

This writ petition has been filed to direct the respondents 1 to 3 to provide effective and adequate police protection to the petitioner and his workers for renovating the property situated at Old No.50/51, New Door No.32, Wallaja Road, Triplicane, Chennai - 600 005, admeasuring to an extent

of 1045 sq.ft. (833+212 sq.ft) in view of the petitioner's complaint dated 10.09.2018.

2. One ABM InfoTech had availed loan from the Indian Bank and had failed to repay the loan amount. Therefore, the Bank brought to sale, the property in Old No.50/51, New Door No.32, Wallaja Road, Triplicane, Chennai - 600 005 to sell by E-Auction, in which the petitioner herein was the successful bidder. After having sold the property, the Bank has sent a communication dated 14.12.2017 to one Viji and Azhagarasan, partners of ABM InfoTech, wherein, it is stated as follows :

"Further, at the same point of time, Mr.B.Azhagarasan has given us a written statement mentioning the remaining two items, viz. 1.LCD unit and 2.BG unit would be moved out of the premises on Wednesday (13/12/2017). But as stated by him, there was no progress in shifting the said 2 items so far. It is hereby made clear that Bank shall not be responsible for any loss/pilferage of such items. It is also made clear that Bank shall not take any Insurance coverage for these items, as they are not charged/hypothecated to the Bank."

Also, the Bank gave possession of the property to the petitioner. Thereafter, it is alleged that the said Azhagarasan had prevented the petitioner from doing any renovation work in the property and thus, the petitioner seeks police protection.

3. Today, Mr.P.S.Kumaresan, Sub Inspector of Police, D1 Triplicane Police Station, Chennai, is present before this

Court.

4. On instructions, learned Government Advocate appearing for the respondents submitted that the petitioner has purchased the property in E-Auction from the Bank and when the petitioner took steps to renovate the property, he was threatened by the said Azhagarasan, for which a complaint has been given by the petitioner, in which, petition enquiry in CSR No.697 of 2018 is being conducted.

5. In such view of the matter, this Court directs the 3rd respondent police to give sufficient police protection to the petitioner to ensure that there is no disturbance from the said Azhagarasan.

6. In the result, this Writ Petition is allowed. No costs.

7.As regards WMP.No.31886 of 2018, though this Court had earlier directed the petitioner to file this Impleading Petition, this Court is now of the view that the same may not be necessary, in the light of the overwhelming materials placed before this Court that the petitioner had purchased the property in E-Auction conducted by the Indian Bank and that the said Azhagarasan himself, has given a letter to the Bank stating that he would remove the above said items within two days. Hence, W.M.P.No.31886 of 2018 is closed.

Mkn

Sd/-

Assistant Registrar(CS IX)

//True Copy//

To

The Commissioner of Police,
Greater Chennai,
Chennai.

2. The Deputy Commissioner of Police,
Triplicane,
Chennai.

3. The Inspector of Police,
Triplicane,
Chennai.

+1cc to Mr.M.Guruprasad, Advocate S.R.No.71968

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