

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28130 of 2018

M/s.Edison Enterprises Pvt.Ltd.,
Represented by its Director,
Mr.N.Premkumar,
143, Campus I A, RMZ Ltd.,
Business Park, Ground Floor,
Phase I, North Veeranam Road,
Perungudi, Chennai 600 096.

... Petitioner

Vs.

- 1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar Range, Chennai.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tharamani Range,
Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai.
- 3.The Inspector of Police,
Tharamani Police Station,
Tharamani, Chennai 600 113.
- 4.K.Chandra
W/o.K.P.Kandan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondents to grant police protection as requested in the complaint dated 09.10.2018.

For Petitioner : Mr.T.Velumani

For R1 to R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for police protection.

2. The petitioner had purchased the property at Perungudi Village by a deed of sale dated 18.05.2005. The property is a vacant land measuring an extent of 4 acres and 17 cents. After purchase of the property the petitioner has also conveyed a portion of the property in favour of the third parties and the petitioner is holding the remaining extent of 3 acres and 8 cents. The patta for the property also stand in the name of the petitioner.

3. There was an attempt made by the fourth respondent to trespass into the property. The fourth respondent prevented the Revenue Officials from carrying out the survey and discharging their duties. The fourth respondent has also filed a writ petition before this Court in W.P.No.2921 of 2018, seeking for Mandamus restraining the Revenue Officials from conducting survey and earmark the property. This Court by an order dated 20.09.2018, recorded the submissions made by the learned Additional Government Pleader to the effect that the survey had already been conducted. Therefore, recording the said submissions, this Court has closed the Writ Petition.

4. The learned counsel for the petitioner would submit that the petitioner had commenced erecting the compound wall in the property and the fourth respondent along with more than hundred henchmen came into the property and threatened the petitioner with dire consequences. This incident has taken place during February, 2018. The petitioner was not able to proceed further with the erecting of the compound wall, since, the husband of the fourth respondent happens to belong to the political party and also an Ex-MLA and also several times, a group of henchmen had come to the property restraining the petitioner from putting up the compound wall. The learned counsel for the petitioner also brought to the notice of this Court, the proceedings of the District Revenue Officer dated 09.02.2018, wherein the DRO, Kancheepuram wherein he has stated that the survey has to be conducted after obtaining necessary police protection, since, there is a possibility of law and order problem in the property.

5. The learned counsel for the petitioner would further submit that the persons cannot take the law in to their own hands and prevent the petitioner from enjoying the property. The petitioner has also given a complaint to the respondents on 09.10.2018, explaining the entire facts and circumstances of the case and had sought for police protection. Subsequently, the petitioner also gave one more complaint on 16.10.2018 to the respondents. Since, no action has been taken by the respondent

police, the present petition has been filed before this Court, seeking for police protection.

6. The complaint given by the petitioner is yet to be acted upon by the respondent police. The learned Additional Public Prosecutor would submit that the third respondent had acted upon the complaint given by the petitioner and has forwarded to the same to the higher officials in order to get their concurrence.

7. In the facts and circumstances of the case, there shall be a direction to the third respondent to call the parties immediately for an enquiry and satisfy himself as to whether the apprehension raised by the petitioner regarding the potential law and order problem is prevailing at the site. The third respondent shall take appropriate decision in accordance with law and within a period of two weeks from the date of receipt of copy of this order.

8. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

- 1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar Range, Chennai.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Tharamani Range,
Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai.
- 3.The Inspector of Police,
Tharamani Police Station,
Tharamani, Chennai 600 113.
4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Velumani, Advocate, S.R.No.83166

CRL.O.P.No.28130 of 2018

rrs 07/12/2018