

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1886 of 2019

P.Sood & Co (mfg)

Represented by its Authorised Signatory

Mr.K.K.Sood

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Law & Order,
J-6, Thiruvannmiyur Police Station,
Chennai-600 041.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to give protection for execution of the removal of unauthorised construction of Hut and statues based on the petitioner's representation dated 14.12.2018 pursuant to the notice dated 12.12.2018 issued by Greater Corporation of Chennai through Assistant Executive Engineer vide notice No.Div 182/031/2018.

For Petitioner : Mr.B.Hari Krishnan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking for police protection to remove the unauthorized construction.

2. It is seen from records that the Chennai Corporation has issued a notice dated 12.12.2018 to the petitioner directing the petitioner to remove the unauthorized construction that has been put up in his property.

3.The learned counsel for the petitioner submitted that the unauthorized construction was not put up by the petitioner and the care taker without any authority had put up construction and is also preventing the petitioner from removing the unauthorized construction. The petitioner has therefore made a representation to the police to give police protection for removing the unauthorized construction. Since, the police did not provide any police protection, the present petition has been filed before this Court.

4. It is seen that there is a dispute between the petitioner and the alleged care taker of the property. The petitioner wants to remove the unauthorized construction pursuant to the notice issued by the Chennai Corporation dated 12.12.2018. However, the petitioner has been prevented from removing the unauthorized construction. The police cannot interfere with this dispute. Ultimately, if the Chennai Corporation finds the construction put up in the property to be unauthorized, it will be open to the Chennai Corporation to proceed further to remove the unauthorized construction in accordance with law.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rp1/dh
To

1.The Inspector of Police,
Law & Order,
J-6, Thiruvanmiyur Police Station,
Chennai-600 041.

2.The Public Prosecutor
High Court of Madras.

+1cc to Mr.B.Harikrishnan, Advocate Sr.5775

srg 13/02/2019

Cr1.O.P.No.1886 of 2019