

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5731 of 2019 and
W.M.P.Nos.6532 & 6534 of 2018

P.Shanmugasundaram

... Petitioner

Versus

1.The Inspector of Police,
Redhills, Chennai.

2.Jayalakshmi

3.Sadasivam

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 1st respondent to remove the locks illegally put up by respondents 2 and 3 over the petitioners shop premises No. 216/3 G.N.T. Road, Redhills, Madras so as to enable him to carry on his business therein by providing police protection to the petitioner and to his properties thereby launching criminal prosecution against respondents 2 and 3 for breaking the locks put up by him over his shop premises; for criminal trespass for unauthorised entry into his shop premises and for suspected theft of cash of Rs.2,00,000/- kept at his shop premises, by respondents 2 & 3 and for damaging the entire ice-cream materials worth about Rs.30,000/- kept at his shop premises by considering the petitioner's representation dated 17.02.2019 given to the 1st respondent Police.

For Petitioner

: Mr.Shanmugam for
M/s.Shanmugha Associates

For R1

: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2

: Mr.D.Chandrasekar

O R D E R

This Writ Petition has been filed to direct the 1st respondent to remove the locks illegally put up by respondent Nos.2 & 3, over the petitioner's shop premises No.216/3, G.N.T.Road, Redhills, Madras, so as to enable the petitioner to carry on his business therein by providing police protection to him and to his properties, thereby launching criminal prosecution against respondent Nos.2 & 3 for breaking the locks put up by him over his shop premises, for criminal trespass, for unauthorised entry into his shop premises and for suspected theft of cash of Rs.2,00,000/- kept at his shop premises, by respondent Nos.2 & 3 and for damaging the entire ice-cream materials worth about Rs.30,000/- kept at his shop premises by considering his representation dated 17.02.2019 given to the 1st respondent Police.

2.According to the petitioner, he is carrying on ice-cream business at Redhills. On 13.02.2019, due to his personnel, the petitioner closed his shop. Taking advantage of the same, on 15.02.2019, the respondent Nos.2 & 3, who are tresspassed into his shop and removed the locks put up by him and also removed the name board of his shop and indulge in such illegal acts of breaking the lock and so as to commit the theft of his cash of Rs.2,00,000/- (Rupees two lakhs only) and to remove unauthorised the ice-cream materials worth about Rs.30,000/- (Rupees thirty thousand only). Hence, the petitioner sent a representation to the 1st respondent to give necessary police protection to carry on his business peacefully.

3.Considering the limited prayer sought by the petitioner, without going to the merits of this case, the 1st respondent is directed to consider the representation of the petitioner dated 17.02.2019 and conduct enquiry after giving opportunity of hearing to the 2nd and 3rd respondents and pass orders on merits in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4.With the above said direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

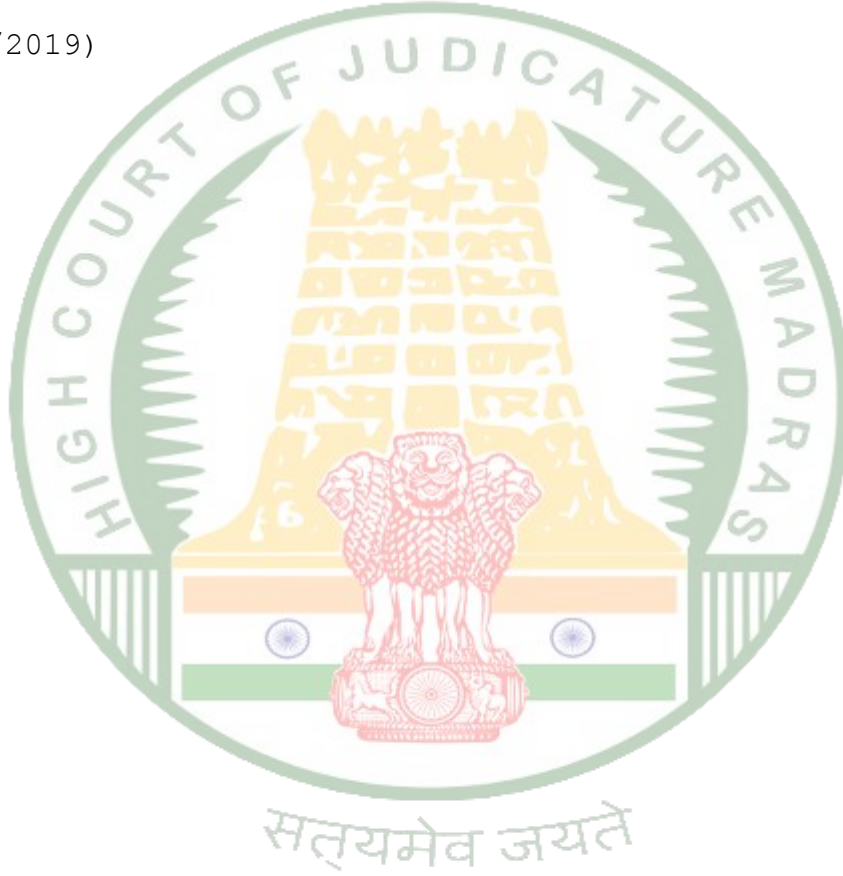
1. The Inspector of Police,
Redhills, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Shanmuga Associates, Advocate, S.R.No.42328

W.P.No.5731 of 2019

SVI (CO)
SSM(28/05/2019)



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