

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5640 of 2019

K.Damodaran

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvallur District.

2.The Sub-Inspector of Police,
Pullarimbakkam Police Station,
Thiruvallur District.

.... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to give police protection to the petitioner and his property based upon his complaint dated 26.02.2019 and to take appropriate action against the accused persons.

For Petitioner : Mr.M.Babu Muthu Meeran

For Respondents : Mr.C.Raghavan

Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking to direct the 1st respondent to give police protection to the petitioner and his property based on his complaint dated 26.02.2019 and to take appropriate action against the accused persons.

2.The learned counsel for the petitioner submitted that on the basis of civil suit decree obtained by the counter party in O.S.No.167 of 2010, this Court by an order dated 08.02.2019 in Crl.O.P.No.17703 of 2018 has directed the Inspector of Police to give police protection to the counter parties including one Mr.Chandrababu and Mr.Sivakumar to clean the land, which is in their possession. However, the learned counsel for the petitioner submits that the petitioner is appointed as power agent by one Varalakshmi, who is the original owner of the disputed property. He further submitted that the disputed property was already been lay outed into 143 housing plots and the entire layouts have been settled in favour of Varalakshmi, the original owner. Some plots have been sold out and to sell

the remaining plots, the petitioner has been appointed as power agent. He further submitted that those housing plots have been approved by the Government. He further submitted that the suit in O.S.No.167 of 2010 has been decreed on 26.03.2018 and as against that said decree, an appeal is pending in A.S.No.17 of 2018, wherein a stay of operation of decree has been obtained by the petitioner and others. Suppressing all these facts, the said Mr.Chandrababu and Mr.Sivakumar, had obtained an order from this Court illegally.

3.Heard Mr.M.Babu Muthu Meeran, the learned counsel for the petitioner and the Mr.C.Raghavan, learned Government Advocate (Crl.side) for the respondents.

4.Considering the above facts and circumstances, the second respondent is directed to withdraw the police protection given to the persons Mr.N.Chandrababu and Mr.Sivakumar and thereafter consider the representation of the petitioner dated 26.02.2019 and to conduct an enquiry after giving due opportunity to all the parties concern and pass orders on merits within a period of two weeks from the date of receipt of copy of this order.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Thiruvallur District.

2.The Sub-Inspector of Police,
Pullarimbakkam Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No. 19241

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SR(CO)
GN(05/03/2019)