

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.18954 of 2019

D.Kothandapani

... Petitioner

Vs.

1.State Rep. by
Inspector of Police,
N 3 Muthialpet Police Station,
Chennai - 600 001.

2.A.Anthonysamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to seeking grant of police protection for demolish the dilapidated building bearing Old No.20, New No.40, New Street, Niriyappa Street, Mannady, Chennai - 600 001.

For Petitioner : Mr.B.V.Sureshkumar

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for police protection.

2.It is seen from records that the petitioner is the owner of the property and the second respondent attempted to trespass into the property. The second respondent filed a suit in O.S.No.1567 of 2018 praying for the relief of permanent injunction. The petitioner filed I.A.No.15597 of 2018 for rejection of plaint. The XVI Assistant City Civil Court, Chennai by an order dated 18.03.2019, rejected the plaint filed by the second respondent and thereby the suit itself was dismissed.

3.That apart the petitioner has also obtained permission from the Corporation of Chennai for demolishing of the property since the property is in a very dilapidated condition. The Corporation by proceedings dated 18.09.2017, has permitted the petitioner to demolish the property.

4.The grievance of the petitioner is that inspite of the permission granted by the Corporation of Chennai and inspite of the suit filed by the second respondent having been dismissed by the Competent Civil Court, the second respondent is continuing to cause threat and is not permitting the petitioner to demolish the property and to put up construction. Therefore the petitioner filed a complaint before the first respondent police on 22.04.2019 seeking for police protection and for taking action against the second respondent. Since this complaint was not acted upon, the present petition has been filed before this Court seeking for appropriate directions.

5.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6.Taking into consideration the facts and circumstances of the case, there shall be a direction to the first respondent to consider the complaint given by the petitioner on 22.04.2019 and call the second respondent for an enquiry and direct him not to cause threat to the petitioner or disturb the petitioner's peaceful possession and enjoyment of the property and further instruct the second respondent only to redress his remedy in the manner known to law. If inspite of the same, the second respondent proceeds to cause any threat to the petitioner or his property, the first respondent shall take immediate action against the second respondent and if required shall also provide police protection.

7.This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/vs

To

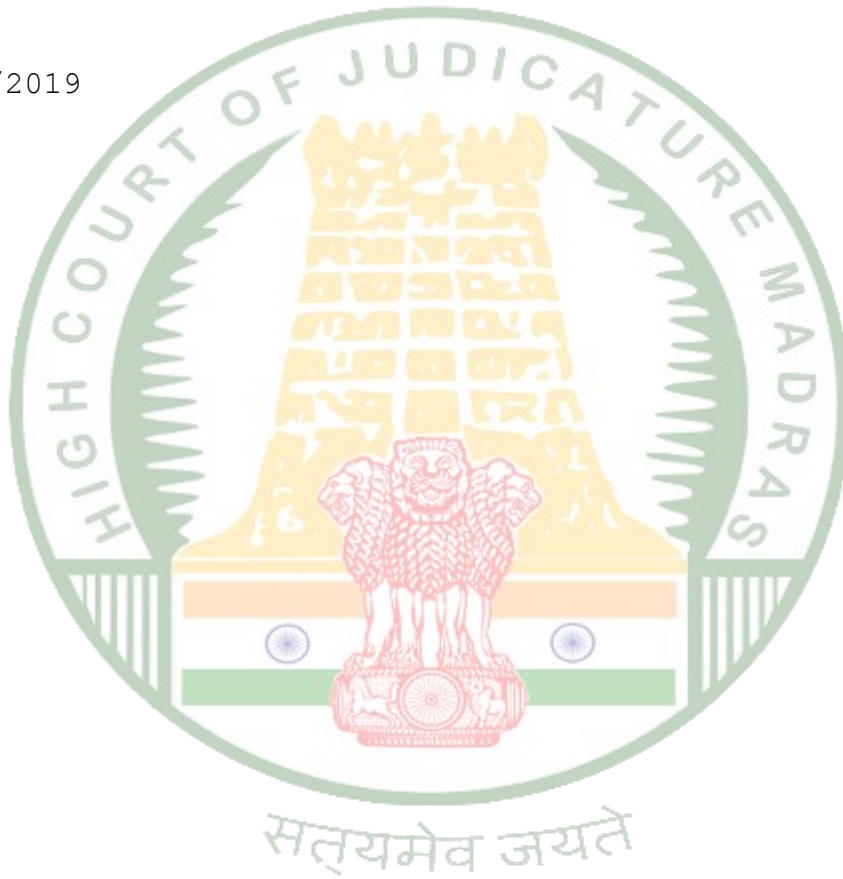
1.The Inspector of Police,
N 3 Muthialpet Police Station,
Chennai - 600 001.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.B.V.Suresh Kumar, Advocate Sr.61426

CrI.O.P.No.18954 of 2019

pa[col]
srg 25/07/2019



WEB COPY