

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2019

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.21865 of 2019

T.Kanistan (CEO)
S/o.Thirukudumpam,
C/o.Gateway International School,
Padur, Kanchipuram District - 603 103.

... Petitioner

vs.

State Rep by:
The Inspector of Police,
E-8, Kelambakkam Police Station,
Chennai - 603 103.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to give police protection to the petitioner Gateway International School by considering the petitioner representation letter dated 01.06.2019 and 30.07.2019.

For Petitioner : Mr.Mohanakrishan
for M/s.B.Jeyanthi

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

ORDER

This petition has been filed for a direction to the respondent police to give police protection to the petitioner, who is running a school by name Gateway International School, Padur, Kanchipuram District.

2. The learned counsel for the petitioner submitted that the school is running for the last 13 years and there are classes up to 12th standard. One portion of the property was permitted to be accessed by the general public as an approach way and this was going on peacefully. However some antisocial elements started misusing the place and the school management

thought that the interest of the school has to be safeguarded and the children should not be exposed to any danger and therefore had fenced the property.

3. The learned counsel further submitted that this was objected by some local people and there was an apprehension of threat to the school and to the children belonging to the school. A representation was made to the respondent police, seeking for police protection. Since no action was taken, this petition has been filed before this Court.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that after the fencing of the property by the school, certain persons objected to it and there was an apprehension of law and order problem. Therefore, the FIR was registered in Crime No.281 of 2019 and the matter is under enquiry before the Executive Magistrate. The learned Additional Public Prosecutor on instructions, further submitted that some of the persons have objected to the fencing of the property, on the ground that the disputed pathway is the only access to the temple, which belongs to the village people.

5. The learned counsel for the petitioner in reply submitted that even though the dispute was referred to the Executive Magistrate, under Section 107 of Cr.P.C, no enquiry has taken place till today and there is potential threat to the school, as well as the children, who are studying in the school and therefore, some safeguard must be given to the petitioner's school. The learned counsel further submitted that an independent direction can be given to the concerned authority to complete the enquiry within a time limit.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record.

7. The petitioner claims to be the owner of the property and the petitioner is running an International school, where children are studying up to 12th standard. Admittedly, the property has been fenced by the petitioner. If at all, anyone has any grievance, on the ground that they have a right to access to use the property to reach the temple, they have to necessarily await the final orders on the enquiry conducted under Section 107 of Cr.P.C or they have to approach the Competent Civil Court and workout their remedy. No one can be allowed to take law into his own hands.

8. In view of the above, there shall be a direction to the respondent police to provide police protection to the

petitioner, in order to ensure that the school runs in a peaceful manner and the children are not exposed to any unnecessary threat. This protection shall continue till a final decision/understanding is arrived at in the enquiry, that is pending before the RDO, Chengalpet. The RDO, Chengalpet, shall call the parties for an enquiry and complete the proceedings and pass orders within a period of two months from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
E-8, Kelambakkam Police Station,
Chennai - 603 103.

2.The Public Prosecutor,
High Court, Madras.

+2cc to M/s.B.Jeyanthi, Advocate SR.No.71084

Cr1.O.P No.21865 of 2019

PVS (CO)
GMY(16/09/2019)

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