



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5753 of 2020

K.Alamelu Ammal

.. Petitioner

Vs

1.The Commissioner of Police,
Chennai City, Vepery,
Chennai - 600 007.

2.The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.

3.The Assistant Commissioner of Police,
Guindy, Chennai 600 032.

4.The Inspector of Police,
J7, Velachery Police Station,
Chennai - 600 042.

.. Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. to direct the fourth respondent herein to provide adequate police protection to the petitioner herein for constructing a compound wall around the vacant land available in New T.S.No.14, Old Survey No.164, Block No.039, Ward No.001 at Velachery Town (Part 2), Velachery Taluk, Chennai Corporation, Chennai District and to consider the petitioner representation dated 26.02.2020

For Petitioner : Mr.C.Saravanan

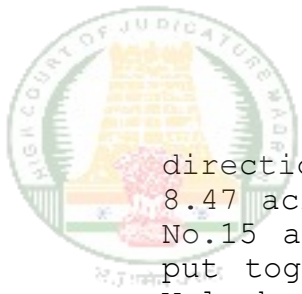
For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to provide adequate police protection to the petitioner herein for constructing a compound wall around the vacant land available in New T.S.No.14, Old Survey No.164, Block No.039, Ward No.001 at Velachery Town (Part 2), Velachery Taluk, Chennai Corporation, Chennai District and to consider the petitioner representation dated 26.02.2020.

2. The learned counsel for the petitioner would submit the petitioner has filed a writ petition viz, W.P.No.15244 of 2008, before this Court for issue of writ of Mandamus seeking



direction to survey the property viz., Punjai land measuring 8.47 acres in (Old) Survey No.164, 0.77 Acres in (Old) Survey No.15 and 0.17 acres in (Old) Survey No.198/1 totally of all put together measuring to an extent of 9.41 acres at No.137, Velachery Village, Saidapet Taluk (now Velachery Taluk), Chengalpattu District (Chennai District) and the same was allowed and consequent to the order passed in the above writ petition the land was surveyed and ensured possession and enjoyment of the schedule property.

3. Thereafter, one M.S. Hussain have filed a suit in O.S.No.2174 of 2014 before the XII Additional City Civil Court against the petitioner herein and one Dilip Kumar and has obtained an order of status quo behind the back of the petitioner and they have also allowed the suit itself for dismissal on their default.

4. The learned counsel for the petitioner would further submit that since there was a life threat by one Jakir Hussian, she has given a representation on 15.04.2017 to the fourth respondent police herein and has obtained an order of police protection from this court in CrI.O.P.No.8058 of 2017.

5. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

6. Heard Mr.C.Saravanan, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

7. As admittedly there has been status quo against the petitioner, the petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

8. In view of the above, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



To

1.The Commissioner of Police,
Chennai City, Vepery,
Chennai - 600 007.

2.The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.

3.The Assistant Commissioner of Police,
Guindy, Chennai 600 032.

4.The Inspector of Police,
J7, Velachery Police Station,
Chennai - 600 042.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.L.S.Prasad, Advocate, S.R.No. 21577

Cr1.O.P.No. 5753 of 2020

SKS (CO)
GN(23/09/2020)