

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 13050 of 2020

Lakshmi Prakash, M/A, 64 years,
S/o.M.Krishnamoorthy,
No.76, Narasier Street,
Old Washermenpet,
Chennai-600 021

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Veppery,
Chennai-600 007

2.The Deputy Commissioner of Police,
Washermenpe Range,
Washermenpet,
Chennai- 600 021

3.The Assisatant Commissioner of Police,
H-3, Tondiarpet Police Station,
Chennai- 600 081

4.The Inspector of Police,
H1, Washermenpet police station,
Chennai-600 021

5.Geetha,
W/o. Late Harinath,
No.76, Narasier Street,
Old Washermenpet,
Chennai-600 021

6.Bakialakshmi,
D/o. Late Harinath
No.76, Narasier Street,
Old Washermenpet,
Chennai-600 021

7.Ganesh Kumar,
S/o.Late Harinath,
No.76, Narasier Street,
Old Washermenpet,
Chennai-600 021

... Respondents

Cr.P.C. praying to consider the petitioner's representation dated 30.07.2020 for direct the fourth respondent to provide strong police protection to demolish the heritage house of the petitioner.

For Petitioner : M/s. Kanimozhi Mathi

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking for a direction to consider the petitioner's representation dated 30.07.2020 and to direct the fourth respondent to provide strong police protection to demolish the heritage house of the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner is the owner of the property and the petitioner's elder brother's wife and children are respondents five to seven herein and they are try to encroach some portion of the property belonging to the petitioner. Therefore, the petitioner was constrained to file a suit in O.S.No.1737 of 2020 on the file of the XVIII Assistant City Civil Court, Chennai and the petitioner was granted interim injunction restraining the respondents five to seven interfering the peaceful possession and enjoyment of the property. While being so, the age of the heritage house of the petitioner is 85 years and it is under dilapidated condition. Therefore, the petitioner sought for permission from the Corporation of Chennai, to demolish the dilapidated condition building on 21.07.2020, the petitioner was granted permission to demolish the property. Even then the respondents five to seven encroach the property and they obstructing to conduct the proceedings for demolishing the building and as such she sought for police protection before the fourth respondent herein.

3.The learned Additional Public Prosecutor would submit that on receipt of the complaint, the petitioner was issued C.S.R.No.450 of 2020 and it is pending for enquiry.

4.Considering the above submission made by the learned counsel for the petitioner and also the facts and circumstances of the case, this Court is inclined to direct the fourth respondent to conduct enquiry on the complaint lodged by the petitioner in C.S.R.No.450 of 2020 after issuing notice to the respondents five to seven herein and after giving sufficient opportunity, the respondents pass orders on merits in accordance with law by considering the order passed by the Corporation of Chennai, thereby granted permission to the petitioner to demolish the property situated in door No.76, Naraseir Street, Old Washermenpet, Madras-600 021 within a period of two weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Vsn

To

- 1.The XVIII Assistant Judge,
City Civil Court,
Chennai.
- 2.The Commissioner of Police,
Greater Chennai,
Veppery,
Chennai-600 007
- 3.The Deputy Commissioner of Police,
Washermenpe Range,
Washermenpet,
Chennai- 600 021
- 4.The Assisatant Commissioner of Police,
H-3, Tondiarpet Police Station,
Chennai- 600 081
- 5.The Inspector of Police,
H1, Washermenpet police station,
Chennai-600 021
6. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.13050 of 2020

SR(CO)
GN(29/10/2020)

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