

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13450 of 2020

J.Mohammed Ammen

... Petitioner

Vs.

- 1.The Commissioner of Police,
O/o. Commissioner of Police,
Chennai.
- 2.The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Flower Bazar, Chennai 600 001.
- 3.The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai 600 001.
- 4.Kalia Perumal
- 5.Sridevi Chemicals
- 6.M/s.Millan Pharma,
Represented by his Proprietor
Mr.Mahaveer Sethia,
All having Office at
New No.114, Old No.7,
Nainiappa Naicken Street,
Park Down, Chennai 600 003.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 3 to given suitable police protection to the petitioner in order to demolish the building at New No.114, Old No.7, Nainiappa Street, Park Down, Chennai.

For Petitioner : Mr.S.M.Arumugam

For Respondents: Mr.S.Karthikeyan for R1 to R3
Additional Public Prosecutor
M/s.D.Senthilkumar for R5
No Appearance for R4 and R6

O R D E R

This petition has been filed to direct the respondents 1 to 3 to given suitable police protection to the petitioner in order to demolish the building at New No.114, Old No.7, Nainiappa Street, Park Down, Chennai.

2.The learned counsel for the petitioner would submit that the petitioner is the owner of the building comprising 3 floors. The building is aged about more than 100 years and the condition of building is too worst and dilapidated condition. There are tanks in the said building and as such the petitioner filed the petition for eviction in R.C.O.P.Nos.552, 665, 666 of 2011 as against the respondents 4 to 6 herein. On 09.03.2020 the learned Rent Controller is directed the respondents 4 to 6 herein to vacate the premises and handover the vacant possession within the period of two months. Thereafter the Corporation of Chennai also considered the age of the building and also its condition, issued notice to the petitioner as well as the tenants to demolish the aforesaid structure to prevent from any danger within fifteen days from the date of notice dated 18.03.2020. On receipt of the notice the petitioner seeks protection from the respondents 1 to 3 to demolish the dilapidated condition building as directed by the Corporation of Chennai. Even then the respondents 1 to 3 did not provide any police protection to comply the order, notice issued by the Corporation of Chennai. Therefore the prayer sought for direction directing the respondents 1 to 3 to adequate police protection to the petitioner in order to demolish the building.

3.Per contra the learned counsel for the respondents 4 to 6 herein submitted that the respondents 4 to 6 are tenants under the petitioner. Though the learned Rent Controller passed order in R.C.O.P.Nos.552, 665, 666 of 2011 dated 09.03.2020 thereby directed to vacate the premises and handover vacant possession within the period of two months as against which the respondents 4 to 6 have filed R.C.A and it is not yet to come for admission before the learned Rent Controller Appellate Authority. He further submitted that the notice issued by the Corporation of Chennai has been challenged before this Court in W.P.No.11438 of 2020 and this Court by an order dated 03.09.2020 stayed all further proceedings impugned the notice issued by the Corporation of Chennai. Under these circumstances, the building cannot be demolished since already the matter has been subjudice by this Court.

4.The learned Additional Public Prosecutor submitted that after obtaining order the Rent Controller the petitioner himself has taken a law and started to demolish the building. Therefore

the respondents 4 to 6 herein lodged complaint and the same was registered in Crime No.764 of 2020 as against the petitioner and it is pending for investigation. Under these circumstances, now police protection cannot be provided to the petitioner to demolish the premises.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6.The petitioner is the owner of the building situated at New No.114, Old No.7, Nainiappa Street, Park Down, Chennai. Admittedly, the building is leased out to respondents 4 to 6. Thereafter, the petitioner filed eviction petition in R.C.O.P.Nos.552, 665, 666 of 2011 on the file of the Small Causes Court, Chennai and the same was also allowed in favour of the petitioner by an order dated 09.03.2020 thereby ordered to vacate the premises and handed over the vacant possession of the premises to the petitioner. Thereafter, the Corporation of Chennai also issued notice noted 12.03.2020 thereby directed the petitioner as well as the respondents 4 to 6 herein to demolish the structure to prevent from any danger within the period of fifteen days from the date of receipt of the notice. It is also revealed that the building is in dangerous condition endangering occupiers / pacified public. After order of eviction the petitioner started to demolish the building as directed by the Corporation of Chennai. In this regard, the respondents 4 to 6 herein lodged a complaint as against the petitioner and the same was registered in Crime No.764 of 2020 on the file of the third respondent and it is pending for investigation. That apart the respondents 4 to 6 herein also challenged the notice issued by the Corporation of Chennai before this Court in W.P.No.11438 of 2020 and this Court by an order dated 03.09.2020 already stayed all further proceedings of the said notice. Under these circumstances, the police protection cannot be considered and the petition is devoid on merits.

7.With the above observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna

To

1.The Commissioner of Police,
O/o. Commissioner of Police,
Chennai.

2.The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
Flower Bazar, Chennai 600 001.

3.The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai 600 001.

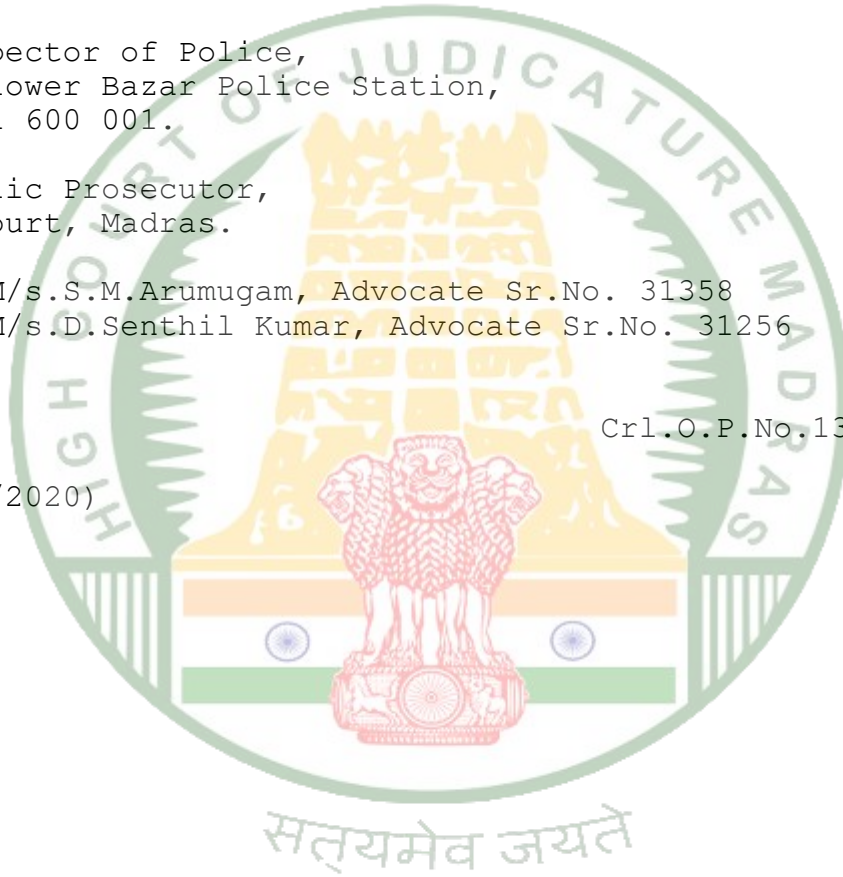
4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.M.Arumugam, Advocate Sr.No. 31358

+1 cc to M/s.D.Senthil Kumar, Advocate Sr.No. 31256

VD(CO)
RMP(16/10/2020)

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