

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CrI.OP.No.29328 of 2019

K.Govindan

.. Petitioner

-vs-

1.The Assistant Commissioner of Police,
Assistant Commissioner Office
(Anna Nagar Region),
J.J.Nagar, East Mogappair,
Chennai - 600 037.

2.The Inspector of Police,
V3, J.J. Nagar Police Station,
J.J. Nagar, East Mogappair,
Chennai - 600 037.

3.A.Thenmozhi

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first and second respondents to give police protection to the petitioner and to his property based on the complaint dated 18.10.2019.

For Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 & R2

For Respondent-3 : Mr.T.Muruganantham

ORDER

This petition has been filed to direct the first and second respondents to give police protection to the petitioner for removal of debris of his building situated at No.2/39, Valayapathi Salai, Mugappair East, Chennai - 600 037.

2. The learned counsel for the petitioner has submitted that the petitioner is the owner of the land measuring to an extent of 2400 sq.feet in which the petitioner has constructed a building consisting of 3 shops in the front portion ground floor and he was residing in the ground floor rear portion along with his family. He further submitted that the petitioner has leased out two shops each measuring 80 sq.ft in total 160 sq.ft to the third respondent and one shop was leased out to another person. He further submitted that in respect of two shops which are in possession of the third respondent, the petitioner has already filed RCOP. No.46 of 2017 on the file of the District Munsif, Ambattur for recovery of possession and the same is still pending. He further submitted that after obtaining necessary permission from the Corporation of Chennai he has demolished the entire residential building on the rear side for the purpose of putting up new construction. He further submitted that after demolishing the said portion, the petitioner tried to remove the said debris but the third respondent is not allowing to remove the same. He further submitted that already the Corporation of Chennai has also directed the petitioner to remove the said debris. Hence, the petitioner has submitted a representation before the respondents 1 and 2 on 18.10.2019 seeking police protection for removal of the said debris but so far the respondents 1 and 2 have not taken any action on the said representation and therefore he prayed to direct the respondents 1 and 2 to provide police protection for removal of the aforesaid debris.

3. Per contra, the learned counsel appearing for the third respondent requests to grant some more time for filing counter. The learned counsel for the petitioner opposed for granting adjournment on the ground that on 18.01.2020, the learned counsel for the third respondent got time also for filing counter, but so far counter has not been filed. He further submitted that since the Corporation of Chennai has insisted the petitioner to remove the debris, only with a view to harass the petitioner, the third respondent is seeking time and therefore he prayed to allow the said petition.

4. It is seen from the records that on 18.01.2020 also, the learned counsel for the third respondent made a request to grant time for filing counter, but so far the respondent has not filed counter. Hence, his request is rejected.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 has submitted that suitable directions may be issued to the second respondent to consider the petitioner's representation and pass appropriate order.

6. Considering the aforesaid submissions, the second respondent is directed to conduct enquiry on the petitioner's representation dated 18.10.2019 giving an opportunity to the petitioner and also the third respondent and dispose of the same in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

drl

To

- 1.The Assistant Commissioner of Police,
Assistant Commissioner Office
(Anna Nagar Region),
J.J.Nagar, East Mogappair,
Chennai - 600 037.
 - 2.The Inspector of Police,
V3, J.J. Nagar Police Station,
J.J. Nagar, East Mogappair,
Chennai - 600 037.
 - 3.The Public Prosecutor,
High Court, Madras.
- +2 cc to Mr.S.Dhanasekaran Advocate r17894
+1 cc to Mr.T.Muruganantham Advocate sr18182

CRL.O.P.No.29328 of 2019

aa03/03/2020