

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

C O R A M

The Hon'ble Mr. Justice N.ANAND VENKATESH

Writ Petition No.4277 of 2021

M.Soundarapandian

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai-600 037.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing respondents 1 and 2 not to harass me and the office bearers of the Registered Association namely BBCL Vajra Flat owners Association under the guise of enquiry.

For Petitioner : Mr.M.Kandasamy

For Respondents : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

O R D E R

This writ petition has been filed for issuance of writ of Mandamus not to harass the petitioner and the office bearer of the registered Flat Association.

2. The learned Additional Public Prosecutor on instructions submitted that there was some internal dispute between the owners of the flat in conducting election for the office bearers. There is already one FIR that is pending investigation in Crime No.3 of 2021 before the respondent police, based on the complaint given by one of the flat owners. The respondent police expected that there will be law and order problem at the time of conducting the elections. Therefore, a notice was issued to the petitioner and other flat owners to the effect that the elections will have to be conducted in a peaceful manner without giving rise to law and order problem. According to the

petitioner, this notice issued by the respondent police amounts to harassment of the petitioner.

3. Heard Mr.M.Kandasamy, learned counsel for the petitioner and Mr.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

4. In the considered view of this Court, the respondent police has merely requested the petitioner and other flat owners to conduct the elections in a peaceful manner without giving rise to any law and order problem. This notice by itself cannot be construed as harassment. Ultimately, if there is a law and order problem resulting in any person sustaining injuries, it is the police who will have to come to the spot and restore the situation to normalcy. The police do not want the flat owners to create a situation like that.

5. The learned Additional Public Prosecutor made it very clear that it was only a request that was made by the respondent police and the respondent police will not interfere in the elections conducted for the office bearers except where the same results in a law and order problem.

6. Recording the submissions of the learned Additional Public Prosecutor, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai.

2. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai-600 037.

3. The Public Prosecutor,
High Court, Madras

+1 cc to M/s.M.Kandasamy, Advocate Sr.No. 10596

Writ Petition No.4277 of 2021

RV(CO)

RMP(26/02/2021)