



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.827 of 2021

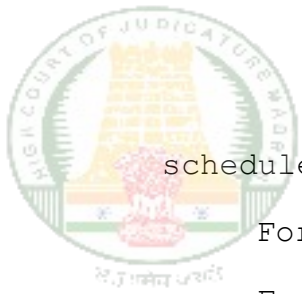
1 THANGARAJ
2 BALAVEL
3 SIVA
4 SAKTHIVEL
5 VELU
6 EMBROSE
7 KASILINGAM
8 AMBROSE
9 KAVERI
10 PARIMALA @ PARASAKTHI
11 PONNUVEL
12 JEEVANANTHAM
13 UDAYAKUMAR
14 DEVENDRAN ... Appellants/Respondent 4 to 17

Vs

1 S.DHANASEKHAREN
2 THE COMMISSIONER OF POLICE
NO.132 COMMISSIONER OFFICE BUILDING
SAMPATH ROAD VEPERY
CHENNAI 600 007
3 THE DEPUTY COMMISSIONER OF POLICE
AVADI CHENNAI 600 053
4 THE INSPECTOR OF POLICE
T13 KUNDRATHUR POLICE STATION SH 113
KUNDRATHUR 600 069 ... Respondents /
Respondents 1 to 3

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 12-02-2021 passed in W.P.No.3120 of 2021.

Prayer in WP.No.3120/2021: Writ Petition filed under Article 226 of Constitution of India seeking writ of Mandamus directing the respondent 1 to 3 to provide adequate police protection to the petitioner therein and the property morefully described in the



schedule.

For Appellant : Mr.R.Balachanderan

For Respondents: Mr.B.Aravind Srivatsa
for 1st respondent

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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal is directed against an order dated February 12, 2021, which was passed on a writ petition of the first respondent herein and wherein the present appellants were parties but were neither heard nor issued any notice. Indeed, there is a line in the third paragraph insinuating that the present appellants may be persons involved in land grabbing or belonging to a political party. It is difficult to imagine how, on the basis of such impression, an order came to be made without even affording a notice to the present appellants.

2. Since the judgment and order impugned appears to be in complete derogation of the principles of natural justice where the appellants appear to have been prejudiced without being afforded a chance to defend themselves or have a say, the impugned judgment and order stand set aside and the writ petition is restored to the board of the appropriate Single Bench having determination for consideration of the matter afresh in accordance with law and completely uninfluenced by the observations and findings rendered in the impugned judgment and order of February 12, 2021. It will be open to the writ petitioner to mention the matter before the appropriate Bench upon notice to advocates currently representing the parties so that there is no delay in the matter.

3. It is also made clear that the merits of the writ petitioner's grievance have not been gone into at this stage and it will be open to the Single Bench to render the same findings, but upon notice to all the parties to the lis.

4. W.A.No.827 of 2021 is disposed of as above without any order as to costs. Consequently, C.M.P.Nos.4664, 4666, 4667, 4669 of 2021 are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

tar



To

1 THE COMMISSIONER OF POLICE
NO.132 COMMISSIONER OFFICE BUILDING
SAMPATH ROAD VEPERY
CHENNAI 600 007

2 THE DEPUTY COMMISSIONER OF POLICE
AVADI CHENNAI 600 053

3 THE INSPECTOR OF POLICE
T13 KUNDRATHUR POLICE STATION SH 113
KUNDRATHUR 600 069

+1cc to M/s.R.Ramya, Advocate, S.R.No.20832

W.A.No.827 of 2021

AAB(CO)
CB(16/04/2021)