

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.6805 of 2021

M/s.VGP Housing Private Limited,
Rep. by its Director,
Mr.VGP Ravidoss, aged about 60 years,
No.6, Dharmaraja Koil Street,
Saidapet, Chennai-600 015.

.. Petitioner

vs.

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Dr.Muthu Lakshmi Road,
Adyar, Chennai-600 020.
3. The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Singaravelan Street,
2nd Street, Neelankarai,
Chennai-600 041.
4. The Inspector of Police,
J-12, Kannathur Police Station,
East Coast Road,
Kanathur, Chennai-603 112.
5. Masthan Sahib,
S/o.Mazood Sahib
6. Dawood Beevi,
W/o.Kadhar Meeran
7. M/s.Jamiaa Masjid Sunnath Jamaath,
No.3, Zakhir Hussain Street,
Panayur, Chennai-600 096.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide adequate police protection to the Petitioner's lands comprised in Survey No.8/5 measuring to an extent of 62 cents situated at Panayur Village, Sholinganallur Taluk, Chennai District within the time stipulated by this Court, based on the Petitioner's representation dated 21.09.2020.

For Petitioner : Mr.V.C.Janardhanan for
MR.M.Raja

For Respondents: Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondent police to provide police protection to the property of the petitioner, based on the representation made by the petitioner on 21.09.2020.

2. Heard Mr.V.C.Janardhanan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents 1 to 4.

3. It is seen from the records that there is a dispute with regard to the subject property between the petitioner and the fifth respondent. The same has resulted in proceedings before the revenue authorities. On one of the occasions, this Court has also passed an order in W.P.No.16394 of 2020 based on the Writ Petition filed by the fifth respondent to the effect that the revenue authority will consider the claim made by both the parties and pass orders. This Court also made it clear that only the parties shall be present at the time of hearing, since every time during enquiry, there was a law and order problem. It is further seen from the records that the Tahsildar has already passed an order dated 01.02.2021 in favour of the fifth respondent. An appeal has been filed by the petitioner before the Revenue Divisional Officer, Guindy and the same is pending.

4. The learned counsel for the petitioner apart from raising various grounds, focused mainly on the ground that the fifth respondent is an impersonator and he is using the name of Masthan Sahib, who is dead and gone long back. Learned counsel submitted that there are documents to prove that Masthan Sahib had died long back. It was therefore contended that the fifth respondent being an impersonator, has to be prosecuted by the respondent police and his identity should be found out.

5. In the present case, there is already an appeal pending before the Revenue Divisional Officer, Guindy. The main ground that has been raised in the appeal is with regard to the identity of the fifth respondent. Therefore, it is always left open to the petitioner to press this ground before the Appellate Authority and the Appellate Authority shall consider the same and render a finding on the said issue. This Court cannot parallelly direct the police to investigate on this issue. The same will lead to confusion and will lead to multiplicity of proceedings. In view of the clarity given in the present order, no further directions can be issued to the respondent police.

6. Based on the findings of the Appellate Authority, namely, the Revenue Divisional Officer, Guindy, the petitioner can always workout their remedy in accordance with law.

***7.However, considering the facts and circumstances of the case, there shall be a direction to the Revenue Divisional Officer to complete the proceedings after giving an opportunity to both the parties and pass appropriate orders strictly in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.**

8. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

*Corrected as per order of this
Court dated 22/04/2021 in
W.P.No.6805 of 2021

Sd/-

Assistant Registrar(CS-III)

Dated:11/05/2021

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Dr.Muthu Lakshmi Road,
Adyar, Chennai-600 020.
3. The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Singaravelan Street,
2nd Street, Neelankarai,
Chennai-600 041.
4. The Inspector of Police,
J-12, Kannathur Police Station,
East Coast Road,
Kanathur, Chennai-603 112.
5. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Raja, Advocate Sr.No. 17081

PL(CO)
RMP(09/04/2021)

srg 12/05/2021

To be
substituted to
the order
already
despatched on
20/04/2021

W.P No.6805 of 2021

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