

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.7819 of 2021

E.Manoharan

... Petitioner

Versus

1.The Commissioner of Police,
No.132, Commissioner Office Buildings,
EVK Sampath Road, Vepery, Periyamet,
Chennai-600 007, Tamil Nadu.

2.The Assistant Commissioner of Police,
G-1, Vepery Police Station,
Vepery, Chennai - 600 007.

3.State represented by,
The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai - 600 007.

4.Arputham

5.Jeyachandran

6.Kumaran

7.Poorkodi

8.Anandan

9.Siva

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to grant permission and provide police protection to the petitioner's residential address at No.70/30; Arimuthu Maistry Street, Choolai, Chennai - 600 007, based on the complaint dated 08.02.2021.

For Petitioner : Mr.A.M.Krishnamoorthy

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition is filed by the petitioner seeking police protection to construct compound wall in his property.

2. It is seen that the petitioner had obtained a favourable order in a litigation before this Court in SA.No.809 of 2013 by Judgment dated 22.03.2020. Thereafter, the petitioner attempted to put up construction in his property and it seems to be obstructed by the private respondents herein.

3. The learned counsel for the petitioner submitted that the petitioner made a representation to the Inspector of Police, G-1, Vepery Police Station on 08.02.2021, for which, CSR.No.76 of 2021 was issued and subsequently two more complaints were lodged by the petitioner on 31.03.2021 and 12.04.2021. Though several complaints have been made by the petitioner, putting up construction in his property is obstructed by the private respondents herein in violation of the orders passed by this Court. He further relied on the decision of this Court in Radhika Sri Hari and another vs. Commissioner of Police reported in 2014(2) CTC 695, wherein in paragraphs 7 and 8, it is held thus.

"7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner."

The learned counsel therefore, submitted that the present petitioner is also entitled for police protection since he had obtained an order in his favour in AS.No.388 of 2006 dated 04.10.2010.

4. Considering the submissions and in view of the above decision, this petition is disposed of with a direction to the third respondent police to give police protection to the petitioner for putting up compound wall in his property.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Commissioner of Police,
No.132, Commissioner Office Buildings,
EVK Sampath Road, Vepery, Periyamet,
Chennai-600 007, Tamil Nadu.

2.The Assistant Commissioner of Police,
G-1, Vepery Police Station,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai - 600 007.

4.The Public Prosecutor,
Madras High Court,
Chennai.

+2cc to M/s.A.M.Krishnamurthy, Advocate Sr.25191

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