



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13433 of 2021

A.Ranjitham

... Petitioner

Versus

1.The Commissioner of Police,
Greater Chennai City,
No.132, Commissionerate Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

2.The Inspector of Police,
K.6, T.B.Chattiram Police Station,
Shenoy Nagar, Chennai 600 030.

3.Kannan

4.Jayakantha

5.Parimala

6.Jeeva

7.Ramana

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 and 2 to provide police protection as sought for in the petition dated 16.07.2021 so as to enable the petitioner to carry out repair and maintenance work in her property at Plot No.41, No.18, 20th Cross Street, Jothiammal Nagar, Shenoy Nagar, Chennai 600 030 without the interference of respondents 3 to 7 and any other persons under their authority.

For Petitioner : Mr. S.Murugan for
Mr.S.Pushpakaran

For Respondent : Mr.A.Damodharan,
Gov. Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction, to direct the respondents 1 and 2 to provide police protection as sought for in the petition dated 16.07.2021 so as to enable the petitioner to carry out repair and maintenance work in her



property without the interference of the respondents 3 to 7 and any other persons under their authority.

2. Originally, in the year 1983, the Tamilnadu Slum Clearance Board allotted the property in T.S.No.31, 32, Block NO.8, 18, R.S.No.84/3 part, to an extent of 0.33.59 sq.mtrs. to one Rajammal, who in turn, sold the same to one Nagarajan. Thereafter, in the year 1997, the petitioner had purchased the property from the said Natarajan and she is in possession and enjoyment of the said property right from the year 1997.

3. The contention of the petitioner is that earlier, in the month of April 2021, when the petitioner tried to repair her house, the respondents obstructed, assaulted the petitioner and thereby, caused injury to her. Thereafter, she took treatment in the KMC Government Hospital, Chennai, as in patient and a case in Crime NO.47/2021 for the offence under Sections 294(b), 323, 324 IPC came to be registered. Since the respondents 3 to 7 are somehow trying to encroach the petitioner's property and obstructing the petitioner from carrying on repair work, she has sent a petition to the respondents for police protection to carry out repair work. Since, no action has been taken, so far, the present petition has been filed.

4. The learned Government Advocate (criminal side) would submit that the petitioner had purchased the property from one Natarajan in the year 1997 and from the date of purchase, she is in possession and enjoyment of the same. In the month of April 2021, when the petitioner attempted to do repair and renovation work, the respondents 3 to 7, who are the neighbours of the petitioner, attacked her and thereby caused injury to her. Thereafter, she has taken treatment in the Government Medical College Hospital, Chennai, as in patient and a case in Crime No.47 of 2021 has been registered.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. On perusal of the materials, it is seen that the petitioner is in possession and enjoyment of the property from the year 1997. Earlier, when the petitioner attempted to do repair work, the respondents 3 to 7 has taken law unto their hands, assaulted the petitioner and thereby, successfully stalled the work, now attempting to chase her away from the property. The petitioner is a aged old lady, admittedly, she is in possession of the property from the date of purchase, i.e. from the year 1997 and the building needs repair and restoration work. Hence, necessary protection has to be given to her to carry out the work.



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7. Considering the above facts and circumstances of the case, the second respondent police is directed to give police protection to the petitioner to carry out repair and restoration work to her house, unless there is any contra order from a competent Court.

8. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Commissioner of Police,
Greater Chennai City,
No.132, Commissionerate Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

2.The Inspector of Police,
K.6, T.B.Chattiram Police Station,
Shenoy Nagar, Chennai 600 030.

3.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Pushpakaran, Advocate Sr Nos.39493 & 39052

CRL.O.P.No.13433 of 2021

SMI (CO)
PR (27/08/2021)