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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14796 of 2021

Mrs.Bhavani Ramakrishnan

... Petitioner

Versus

1. State Rep. by the Inspector of Police (L&O),
S-12, Chitlapakkam PS,
Chitlapakkam,
Chennai - 64.

2. The Assistant Commissioner of Police,
Selaiyur Range,
Selaiyur,
Chennai - 600 073.

3. The Joint Commissioner of Police,
Chennai South Zone,
St. Thomas Mount,
Chennai - 600 016.

4. Mr.Alan Shephard

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct respondent Nos.1 to 3 to give police protection to the petitioner from the fourth respondent while entering in the premises at No.193, F1, 1st Floor, J K Flats, Santhi Nagar, 2nd Cross Street, Chrompet, Chennai - 600 044.

For Petitioner : Mr.K.Perumal

For R1 to R3 : Mr.A.Damodaran,
Government Advocate (Crl. Side)



O R D E R

This Criminal Original Petition is filed to direct respondent Nos.1 to 3 to give police protection to the petitioner from the fourth respondent while entering in the premises at No.193, Fl, 1st Floor, J K Flats, Santhi Nagar, 2nd Cross Street, Chrompet, Chennai - 600 044.

2.The contention of the petitioner is that the petitioner is the owner and landlord of the property situated at No.193, Fl, 1st Floor, J.K.Flats, Santhi Nagar 2nd Cross Street, Chrompet, Chennai - 44. The fourth respondent is the tenant. The petitioner has filed a petition in RCOP.No.14 of 2011 before he District Munsif at Alandur and the same was allowed and she obtained a final decree on 16.09.2013. Thereafter the fourth respondent had filed an appeal in RCA.No.11 of 2015 before the Appellate Authority and Sub Court at Tambaram and the same was dismissed. Thereafter the fourth respondent/tenant had filed a CRP before this Court in CRP.NO.4290 of 2017 and the above said CRP came to be dismissed on 16.03.2020. The fourth respondent/tenant had preferred an appeal before the Hon'ble Supreme Court of India in SLP NO.8650 of 2020 and the Apex Court by its Judgment dated 23.07.2020 had dismissed the SLP by giving two weeks time i.e. till 31.12.2020 for the respondent to vacate the suit premise and to file an undertaking before the Registry of this Court, within four weeks from that date.

3.Further the fourth respondent shall not create any third party rights over the property and directed to clear all the rent dues and in the meanwhile peacefully vacate and hand over the premise of the suit property. In view of the same, the fourth respondent has got no other way and he has to vacate and handover the peaceful possession of the suit property to the petitioner. But the respondent had not complied with the directions of the Apex Court. Hence the petitioner had approached the respondent police and there was no response from them also. Hence the petitioner has filed this Criminal Original Petition.

4.The learned Government Advocate [Crl. Side] submitted that on receipt of the complaint of the petitioner dated 28.12.2020, the fourth respondent had called for enquiry and he had given an undertaking to vacate the suit premise. In view of the petitioner exhausting all civil remedies before all forums and finally before the Apex Court. The Apex Court had given a direction that the fourth respondent to vacate the premise peacefully and handover the possession to the petitioner.



5.This Court finds that in view of such direction, the fourth respondent has no right in any manner, continue to stay in the premise. In view of the same, the third respondent i.e. the Joint Commissioner of Police, Chennai South Zone, St.Thomas Mount, Chennai - 600 016 is directed to see that the order of the Apex Court is implemented forthwith.

6.With the above direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police (L&O),
S-12, Chitlapakkam PS,
Chitlapakkam,
Chennai - 64.
2. The Assistant Commissioner of Police,
Selaiyur Range,
Selaiyur,
Chennai - 600 073.
3. The Joint Commissioner of Police,
Chennai South Zone,
St. Thomas Mount,
Chennai - 600 016.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Perumal, Advocate, S.R.No.42803

CRL.O.P.No.14796 of 2021

SSD(CO)
RLP(02/09/2021)