



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14039 of 2021

1.M.Annalakshmi
2.Deenadayalan
3.Mumtaj

... Petitioners

Versus

The State rep.by
The Inspector of Police
(Crime)
D-2 Police Station
Anna Salai
Chennai 600 002.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners under the guise of enquiry.

For Petitioners : Mr.G.R.Hari

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondent police not to harass the petitioners under the guise of enquiry.

2. The contention of the petitioners is that they are residing in the House in dispute as a landlord, which was allotted to them through Tamil Nadu Slum Clearance Board. The counter petitioner namely one Jagadeesan claiming right over the



said property had obstructed the same. Earlier to this, there was a RCOP proceedings in RCOP.No.147 of 2004 which was filed by the said Jagadeesan, seeking collection of arrears of the rent. The RCOP Court, by the judgment dated 03.01.2004 had given a finding that the said Jagadeesan is not the land owner and hence, the said Jagadeesan not proved his ownership. Thereafter, the said Jagadeesan had filed an appeal in RCA.No.194 of 2005, which also came to be dismissed on 10.02.2012. Thus, the order of the trial Court was confirmed. Now, the said Jagadeesan has been obstructing to put up the pillars for the construction of roof .

3. The learned Government Advocate (Crl.Side) submitted that one Jagadeesan had lodged a complaint and CSR.No.248 of 2021 has been assigned. Enquiry was conducted on 16.07.2021 and both the parties had appeared and agreed that they will approach the Civil Court and thereafter, the petitioner will put up the construction.

4. At this stage, the learned counsel for the petitioners submitted that due to compulsion, they agreed to the respondent. The said Jagadeesan has not proved the ownership of the land. The petitioners are residing in the said land on the right as the land has been allotted through Tamil Nadu Slum Clearance Board.

5. In view of the same, the petitioners are directed to approach the respondent police to produce the Tamil Nadu Slum Clearance Board's allotment order and thereafter, the respondent police shall act accordingly.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dna



To

1. The Inspector of Police (Crime)
D-2 Police Station
Anna Salai
Chennai 600 002.

2. The Public Prosecutor
High Court of Madras.

+1cc to Mr.G.R.Hari , Advocate, S.R.No.40319

CRL.O.P.No.14039 of 2021

PCH(CO)
SU(09/09/2021)