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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15470 OF 2021

B. Helan Rose

... Petitioner

.Vs.

1. The Assistant Commissioner of Police,
Mylapore Range,
Mylapore, Chennai.

2. The Inspector of Police,
D-5 Marina Police Station,
Marina, Chennai.

3. Arulmigu Ellaiamman and
Payandiamman Thitukoil,
Represented by its Executive Officer,
Having Office at Temple Premises,
Nochikuppam, Chennai - 4.

... Respondents

PRAYER:-

Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct the respondent to provide police protection for his property situated at Old Survey No.2942 and part of 2943, Revised Survey No.2350 Mylapore Village, Mylapore-Triplicane Taluk, Chennai District and situated at Old No.(2A & 2B), New No.4, Beach Street, Nochikuppam, Chennai - 600 004.

For Petitioner : Mr.E.Felix Parthiban

For Respondents : Mr.A.Damodaran
Govt.Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the first and second respondent to provide police protection for his property situated at Old Survey No.2942 and part of 2943,



Revised Survey No.2350 Mylapore Village, Mylapore-Triplicane Taluk, Chennai District and situated at Old No.(2A & 2B), New No.4, Beach Street, Nochikuppam, Chennai - 600 004.

2. The case of the petitioner is that her husband had purchased the subject property for a valid consideration vide document No.1558 of 2013, before the Sub-Registrar, Mylapore from Mr.Ferozuddin Ahmed. The respondent temple authorities are disturbing the peaceful possession and restricting the petitioner to put up any construction thereon. Therefore, she has lodged a complaint dated 14/08/2021, to the Assistant Commissioner of police as well as Inspector of police, D-5 Marina Police Station, seeking for police protection to construct compound wall over the abovesaid property, but no action has been taken on the same. The Executive Officer, Arulmighu Ellaiamman and Pandiamman Temple, had filed a Civil suit in O.S.2453 of 2013, which was dismissed on 18.01.2016, against which, A.S.No.297 of 2018 has been filed before the III Additional Judge, City Civil Court, which came to be dismissed on 20.03.2019. Thereafter, no further appeal has been filed and the petitioner is in the peaceful enjoyment of the property. Now, the temple authorities are disturbing the peaceful possession and restricting the petitioner to put up any construction.

3. The learned Government Advocate submitted that on the complaint of the petitioner, CSR No.235 of 2021 had been assigned and so far, no enquiry has been conducted. He further submitted that the Executive Officer of the respondent temple was summoned and the Executive Officer produced a document to show that the Appeal is being filed before the appropriate Forum against the order received by the Temple authorities. He also submitted that it is a Temple property and the documents are in favour of the Temple.

4. In view of the same, the respondent police is directed to complete the enquiry within a stipulated period. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms



To

1. The Assistant Commissioner of Police,
Mylapore Range,
Mylapore, Chennai.
2. The Inspector of Police,
D-5 Marina Police Station,
Marina, Chennai.
3. Arulmigu Ellaiamman and
Payandiamman Thitukoil,
Represented by its Executive Officer,
Having Office at Temple Premises,
Nochikuppam, Chennai - 4.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Joel, Advocate, S.R.No.44492

CRL.O.P.NO.15470 OF 2021

MG(CO)
PBS/16/09/2021