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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.28496 OF 2017

A.P.Christal @ Jaya

... Petitioner

Versus

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepperi, Chennai.

2. The Inspector of Police,
M7, Police Station,
Manali Pudu Nagar,
Chennai - 600 103.

3. M.Baskar

4. Malathi

... Respondents

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1&2 to give necessary police protection to petitioner and her family members by considering her representation dated 27.11.2017, within the period stipulated by this Court.

For Petitioner : Mr.M.Liagat Ali

For RR 1&2 : Mr.E.Raj Thilak
Government Advocate

For RR 3&4 : Mr.K.Balasubramaniam

ORDER

This Criminal Original Petition has been filed seeking for a direction to give necessary police protection to the petitioner and her family members for her life by considering her representation dated 27.11.2017.



2. According to the petitioner, she is residing in the above address and she is involved in rendering social service. She is helping one Mr.Kanniyappan whose most of the lands were acquired by the Government and no compensation has been paid to him and the Authorities also not allow him to utilise his remaining lands and she is rendering all the necessary help to said Mr.Kanniyappan. Subsequently, there was a water channel in Survey No.331/1 of Idayanchavadi-B and during the rainy season, water will pass on it and in order to curb the same, the respondents 3&4 with the help of Village Administrative Officer, they prepared bogus documents, mentioned in the said land as Village Natham property and therefore, got patta for an extent of 0.08.5 and also got property tax levied from the Chennai Municipal Corporation and also paying kisti to the said land. The 3rd respondent with the help of Village Administrative Officer, have got patta in different names by splitting the above land and also got property tax levied in the name of one C.Kose Moideen, M.Malathi, K.Suresh, Shankar, Thavamani, Rajeshwari, B. Banumathi, Kumar, Madhavan, Subashini, Sasirekha, Gowri and Senthil and paid Kisti for the said property illegally by creating bogus documents. The aforesaid Survey No.331/1 of Idayanchavadi Village-B is a Poramboke land and its belongs to Government and no patta can be issued for the said land to any persons and also banned by high Court in granting to the said Puramboke land. In the circumstances, the respondents 3&4 have encroached illegally in the said land and prepared bogus documents and stamp and cheated the government and also constructed a temple viz., Sri Karumariyamman Nagadevathai Alayam in the said land, constructed a small house and staying therein and doing illegal activities and it is necessary to remove the encroachment made by the respondents 3&4 and recover the encroached land from the respondents 3&4. She has given a complaint to the 1st respondent on 20.12.2016 and the said complaint was registered as C.No.5624/CCB/Visitors/2016 and the same was forwarded to Deputy Superintendent under AC/Enf-III/23452 3/8 and the same is pending. She was continuously taking legal action against the respondents 3&4 and they are threatening with dire consequences to the petitioner and therefore, the petitioner is apprehending all sorts of trouble and threat from the respondents 3&4. She lodged a complaint on 27.11.2017 with the respondents 1&2 against the persons and explained them about the high handed action of the said persons in abusing and threatening the petitioner and requested the respondents to take immediate action against the said persons and to give necessary protection to the petitioner and her family members, but the respondents have not considered her representation. Hence, the petitioner has come forward with the present Criminal Original Petition.



3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 27.11.2017 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the facts and circumstances of the case and taking into account the submissions made on either side, the Criminal Original Petition is disposed of, with a direction to the respondents to consider the petitioner's representation dated 27.11.2017 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the necessary parties within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepperi, Chennai.
2. The Inspector of Police,
M7, Police Station,
Manali Pudu Nagar,
Chennai - 600 103.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.28496 OF 2017

SMI (CO)
PBS/26/11/2021