



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.10326 of 2022

S.Y.Eswaran

... Petitioner

Vs.

1.The Commissioner of Police
Vepery, Chennai 600 007.

2.The Joint Commissioner of Police
South Zone, Chennai-600 016.

3.The Deputy Commissioner of Police
R-1, Mambalam Police Station
T-Nagar, Chennai 600 017.

4.The Station House Officer,
R-8 Police Station(L&O),
Vadapalani,
Chennai-600 026.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the third respondent the Deputy Commissioner of Police, R-1 Mambalam Police Station, T-Nagar, Chennai-600 017, to conduct investigation in connection with FIR No.817 of 2021 on collection of its entire records from 4th respondent by considering the petitioner's representations dated 31.01.2022.

For Petitioner : Mr.K.Subramanian

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking direction to the third respondent/Deputy Commissioner of Police, R-1 Mambalam Police Station, T-Nagar, Chennai-600 017, to conduct the investigation in connection with Crime No.817 of 2021 on



collection of entire records from the 4th respondent, by considering the petitioner's representation, dated 31.01.2022.

2. The case of the petitioner is that he is a resident of Door No.4/14, Andavar Nagar, 2nd Street, Kodambakkam, Chennai-24 and the neighbours namely Chitra, Vigneswaran and Jayasekar are residing at Door No.7/2, Andavar Nagar, 1st street, Kodambakkam, Chennai-24. They have put up the houses without obtaining a planning permission from the local body and they are letting out all drainages inside the house of the petitioners area. When it was questioned by the petitioner, they have taken law into their own hands, they have threatened the petitioner and also intimidated by harassing the petitioner. They have also planted coconut tree in between the houses and caused trouble to the petitioner. On 31.08.2021, due to heavy wind, leaves have fallen on the wife of the petitioner, while she was doing her household work and the leaves have also fallen on the vacant premises of the petitioner's house. Once again, when the petitioner had questioned the same, they have also attempted to assault the petitioner and intimidated the petitioner and his wife. The petitioner had made a complaint to the Sub-Inspector of Police, R-8 Vadapalani Police Station, Chennai, who had refused to take action against the accused. In order to cause further harassment to the petitioner, the accused Chitra and Vigneshwaran had also caused damage to the petitioner's car, in respect of which, the petitioner had given a complaint on 02.09.2021 with sufficient proof, in which the petitioner has given specific names of the accused, but the Sub-Inspector of Police, Vadapalani Police Station, had refused to register a case against them and had registered a case in respect of suspected persons. The petitioner repeatedly went to the Police Station seeking to take action. However, no action has been taken. The petitioner, thereafter, obtained an order from the Court and only then, the Sub-Inspector of Police, R-8 Vadapalani Police Station, Chennai had registered a case in Crime No.817 of 2021 for the offence under Section 427 of IPC. The Sub-Inspector of Police, R-8 Vadapalani Police Station, Chennai was repeatedly favouring the accused and he had gone to the extent of threatening the petitioner and closed the case as "mistake of fact".

3. Learned counsel for the petitioner would submit that the acts of the accused are available in the CCTV footages. For the reasons best known to the Sub-Inspector of Police, he has not taken any action in respect of the representation of the petitioner, thereby, the present petition has been filed seeking direction to the third respondent/Deputy Commissioner of Police,



Mambalam to call for the entire records in connection with Crime No.817 of 2021 on the file of the 4th respondent and conduct enquiry .

4. Learned counsel for the petitioner would further submit that the petitioner and his family members have put up construction and due to high-handed action of the neighbours, there is danger to their life and property and the Sub-Inspector of Police, Vadapalani Police Station, instead of protecting the genuine interest of the petitioner, was pacifying the petitioner and had gone to the extent of threatening the petitioner stating that the case will be referred. The petitioner has produced ample evidence to show that the accused had not only caused damage to the house, but also damaged the petitioner's car and the respondent/Police had not taken any action. Due to inaction on the part of the Sub-Inspector of Police, the accused are repeatedly indulging in illegal activities and harassing the petitioner. Hence, the Writ Petition has been filed seeking to direct the third respondent/ Deputy Commissioner of Police to conduct investigation.

5. Learned Additional Public Prosecutor appearing for the respondents would submit that there is a dispute between the neighbours. Based on the complaint given by the petitioner, a case in Crime No.717 of 2021 has been registered for the offence under Section 427 of IPC . Subsequently, in respect of an incident that had occurred on 02.09.2021, a case in Crime No.50 of 2022 has been registered for the offences under Sections 270, 294(b), 506(i) of IPC and Section 3 of Epidemic Diseases Act, 1897. He would further submit that the 4th respondent police, Vadapalani Police Station are taking action in accordance with law.

6. Heard the learned counsels and perused the materials available on records.

7. It is the case of the petitioner that he has been constantly harassed by the neighbours, who have taken law into their hands and repeatedly caused damage to the petitioner's property. It is the grievance of the petitioner that the Sub-Inspector of Police, Vadapalani Police Station has not been investigating the case properly and that he is favouring the accused. This Court is of the opinion that this is not a case requiring investigation by the Deputy Commissioner of Police. In view of the same, the 3rd respondent/ Deputy Commissioner of Police is directed to transfer the investigation in Crime No.817 of 2021 and Crime No.50 of 2022 pending on the file of the Sub



Inspector of Police Vadapalani Police Station to the 4th respondent, Inspector of Police, R-8 police Station (L&O), Vadapalani and the investigation shall be monitored by the Assistant Commissioner of Police, Vadapalani and the investigation shall be completed and the final report shall be filed in both the Crime Numbers before the Court concerned as expeditiously as possible, preferably within a period of three(3) months from the date of receipt of a copy of this order.

9. Accordingly, with the above directions, this Writ Petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

vkrr/nr
To

1. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Joint Commissioner of Police,
South Zone, Chennai-600 016.
3. The Deputy Commissioner of Police,
R-1, Mambalam Police Station,
T-Nagar, Chennai 600 017.
4. The Assistant Commissioner of Police,
Vadapalani, Chennai.
5. The station House Officer,
R-8 Police Station(L&O),
Vadapalani,
Chennai-600 026.
6. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Subramanian, Advocate Sr.27945

W.P.No.10326 of 2022

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