



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.11822 of 2020

S.PratapchandBaid

... Petitioner

Vs.

1. The State rep by
The Commissioner of Police,
Egmore, Chennai
2. Joint Commissioner of Police,
East Zone, Greater Chennai Police,
Egmore, Chennai 600 008
3. The Deputy Commissioner of Police,
Kutchery Road, Mylapore, Chennai-4
4. The Inspector of Police,
E-1, Mylapore Police Station,
L&O, Chennai 600 004
5. Jumma Mosque
Rep. by its Mutawalli,
No.176, Kutchery Road,
Mylapore, Chennai-4

(R5 impleaded as per order in Crl.MP.No.4908 of 2020
in Crl.OP.No.11822 of 2020 dated
19.08.2020

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to provide police protection with adequate armed forces to enable the petitioner to put up the compound wall in the vacant site of the petitioner situated at Door Nos.58 and 59, Bazaar Road, Chennai-4

For Petitioner : Mr.P.R.Raman,
Senior Counsel
for Mr.C.Seethapathy

For Respondents
For R1 to 4 : Mr.A.Gopinath,
Government Advocate(crl.side)

<https://hcservices.ecourts.gov.in/hcservices/>

For R5

: No appearance



ORDER

This Criminal Original Petition has been filed for direction directing the fourth respondent to provide adequate police protection to the petitioner while putting up compound wall in the vacant site of the petitioner situated at Door Nos.58 and 59, Bazaar Road, Chennai-4

2.Mr.P.R.Raman, Senior Counsel appearing for the petitioner would submit that the petitioner is the absolute owner of the property bearing new door Nos.58 and 59, Old Municipal Door No.1/12 and 2/12 situated in Bazaar Road, Mylapore, Chennai comprised in old survey No.2330 and new survey No.2081 situated at Mylapore to an extent of 1176 and 855 sq.ft. respectively. It is vacant land and therefore, the petitioner intended to put up compound wall in and around the subject property for the reason that during night hours some unruly elements gathered there and created nuisance. Therefore, the petitioner lodged police complaint on 24.11.2011 to provide adequate protection to put up compound wall in respect of the said property. In fact, the petitioner also filed suit in CS.No.244 of 2012 as against the fifth respondent herein seeking declaration of title and permanent injunction. While pending the suit, the petitioner filed O.A.No.283 of 2012 restraining the fifth respondent and others from interfering with the petitioner's peaceful possession and enjoyment of the subject property. This Court granted interim order by order dated 26.04.2012. Thereafter, the said suit was transferred to the XV Additional City Civil Court, Chennai due to pecuniary jurisdiction and it is pending. On the strength of the interim order, the petitioner lodged complaint before the fourth respondent to provide police protection. However, it was not considered as such, the petitioner was constrained to file direction petition in Crl.OP.No.193 of 2013 to provide adequate police protection. This Court passed detailed order dated 26.08.2013 discussing all the happenings happened and directed the respondent police concerned to consider the fresh complaint of the petitioner and pass orders to provide police protection. However, the fourth respondent did not provide any police protection so far to the petitioner to put up compound wall. It is also seen that the petitioner paid a sum of Rs.60,000/- towards bandobust charges in favour of the fourth respondent herein by way of demand draft dated 29.01.2015. Even after receipt of the said requisite charge, the fourth respondent failed to provide any police protection to the petitioner to put up compound wall in the subject property. Finally, the petitioner made representation before the respondents 1 to 4 herein on 09.07.2019 to provide adequate police protection to his life and limb, while putting up the compound wall, which has not been considered so far. Hence, the present petition has been filed.



3. Heard, Mr.P.R.Raman, Senior Counsel appearing for the petitioner, Mr.A.Gopinath, Government Advocate(crl.side) appearing for the respondents 1 to 4. Though the fifth respondent appeared through counsel and filed counter, today no one represented on behalf of the fifth respondent either in person or through pleader.

4. On perusal of the counter filed by the fifth respondent, revealed that on the enquiry conducted by the fourth respondent, the fifth respondent appeared for enquiry and produced the documents to show that the subject property belongs to the Wakf. After considering the same, the said complaint was closed by the fourth respondent. However, the present complaint is pending on the file of the fourth respondent.

5. Considering the above facts and circumstances of the case, the fourth respondent is directed to conduct enquiry on the complaint lodged by the petitioner dated 09.07.2019 after issuance of notice to the petitioner and the fifth respondent, and pass suitable orders to provide police protection to the petitioner while putting up compound wall in the property situated at Door Nos.58 and 59, Bazaar Road, Chennai-4 in the light of the interim injunction granted by this Court in OA.No.283 of 2012 in CS.No.244 of 2012 now transferred to the file of the XV Additional City Civil Court, Chennai and numbered as O.S.No.6802 of 2019 within a period of four weeks from the date of receipt of copy of this order. It is also made clear that while considering their application, the fourth respondent is directed to take into consideration of the payment of bandobust charges by the petitioner.

6. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Egmore, Chennai.

2.The Joint Commissioner of Police,
East Zone, Greater Chennai Police,
Egmore, Chennai 600 008.



3.The Deputy Commissioner of Police,
Kutchery Road, Mylapore,
Chennai-4.

4.The Inspector of Police,
E-1, Mylapore Police Station,
L&O, Chennai 600 004

5.Mutawalli,
Jumma Mosque
No.176, Kutchery Road,
Mylapore, Chennai-4.

6.The Public Prosecutor,
High Court, Madras.

Copy to:

The XV Additional Judge,
XV Additional City Civil Court,
Chennai.

CRL.O.P.No.11822 of 2020

PMK (CO)
PR (27/06/2022)