



W.P. No. 24093 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

The HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P. No. 24093 of 2021
and W.M.P. No.25395 of 2021

M/s. Cheran Properties Limited,
Rep. by its Director,
S.Subramani,
No.78, Cheran Towers,
Arts College Road, Coimbatore – 641 018.

.. Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore District,
Old Post Office Road, Gopalapuram,
Coimbatore - 641 018.
2. The Deputy Commissioner of Police,
Coimbatore District,
Old Post Office Road, Gopalapuram,
Coimbatore – 641 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents to provide



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police protection to the petitioner company at least for 48 days till the petitioner company is completing the installation of the Automated Parking Barricade System pursuant to the representation dated 04.10.2021 given by the petitioner company to the respondents.

For Petitioner : Mr. T.Thiageswaran
for M/s. Waraon and Sai Rams

For Respondents : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issuance of a writ of mandamus directing the respondents to provide police protection to the petitioner company at least for 48 days till the petitioner company completes the installation of the Automated Parking Barricade System pursuant to the representation dated 04.10.2021 given by the petitioner company to the respondents.



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2. The petitioner is a company incorporated under the provisions of

Indian Companies Act, 1956 and it carries on business in developing and promoting the properties. The petitioner company has constructed a shopping complex in the name and style of 'Cheran Towers' situated at No.78, Arts College Road, Coimbatore – 641 018 and is continuously maintaining the same. The said Cheran Towers is a multi-storey shopping complex consisting of 5.00 Lakhs Sq.ft., super built-up area situated at the heart of Coimbatore city. The road on which the shopping complex situated is a busy and sensitive area. The shopping complex has parking facility for parking approximately 200 cars and 500 two wheelers. When the building was constructed, there was no Automated Parking Barricade System. Some of the shops in the complex have been sold to third party shop owners and they are enjoying the property by running their respective business by themselves or by letting out the premises for rent. In this way, the owners and the tenants are in occupation of the commercial area situated in 'Cheran towers'. In recent days, many illegal activities are taking place in the basement parking area including the trespassing, damaging the Electricity Meter boxes, illegal consumption of electricity from the main electricity box. Some of the



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vehicles parked in the parking area were also stolen by some miscreants.

Unauthorised persons have also parked their vehicles in the basement parking area and when they are prevented, they quarrel with the security officers. When the petitioner attempted to enforce Automated Parking Barricade System, certain group of lawyers and other individuals who are illegally parking their vehicle in the reserved car park slots meant for the owners of the complex, caused nuisance and a group of people abused the security officers and caused threats. Hence the petitioner gave a representation to the respondents on 04.10.2021 requesting police protection while the petitioner install the necessary security system including Automated Parking Barricade System in the basement parking area of Cheran Towers. Since the respondents failed to initiate action on the representation given by the petitioner, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the difficulties faced by the petitioner in ensuring safety and protection of the shopping complex cannot be achieved unless an Automated Parking Barricade System has been installed; the police protection is required at least for 48 days till



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the work is completed and the petitioners company is willing to bear the charges for installation and other charges.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner has not furnished any details about the proposed Automated Parking Barricade System in the parking area and the letter sent by the petitioner is without signature; however the respondents have asked the petitioner to make his appearance for enquiry and to provide necessary details in order to take appropriate action.

5. The learned counsel for the petitioner submitted that they have appeared before the police authorities and submitted necessary documents in order to convince them about the necessity for providing the Automated Parking Barricade System in the parking area of Cheran Towers.

6. It is learnt that the petitioner had convinced the respondents about the necessity to install the Automated Parking Barricade System in Cheran Towers. Had the respondent police sent reply to the representation received



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by them from the petitioner, the petitioner could have known about the further details required by the respondents in order to initiate action.

7. The records would show that on the representation given by the petitioner, the case was taken on file in C.S.R. No.550 of 2021 by the respondent police and further clarification has also been given by the petitioners. The learned counsel for the petitioner submitted that they have complied the requirement and produced essential documents which are required by the police and that will enable the respondent police to consider petitioner's representation and pass appropriate orders in accordance with law.

8. Since the petitioner had produced necessary documents which are required by the respondent police, the representation given by the petitioner ought to have been considered by the respondent police. The petitioner had sought police protection for the private purposes. Hence, the petitioner has to bear the charges for providing protection along with the installation expenses for the Automated Parking Barricade System.



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9. In the result, the Writ Petition is allowed with a direction to the respondents to consider the representation of the petitioner dated 04.10.2021 and do the needful in order to enable the petitioner to install the Automated Parking Barricade System in the said Cheran Towers, without any disturbance or troubles from any miscreants, till the completion of the said work. The petitioner shall bear the charges for the police bundobust for the above purpose. Consequently, connected miscellaneous petition is closed.

28.10.2022

Index: Yes/No
Speaking order / Non-speaking order
bkn

To:

1. The Commissioner of Police,
Coimbatore District,
Old Post Office Road, Gopalapuram,
Coimbatore - 641 018.
2. The Deputy Commissioner of Police,
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3. The Public Prosecutor, Madras High Court.

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R.N.MANJULA, J.,

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