



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.25469 OF 2021

Lalitha

...Petitioner

-Vs-

1. The District Superintendent of Police,
The Office of District Superintendent of Police,
Tiruvallur.
2. The Inspector of Police (L&O),
All Women Police Station,
Tiruvallur.
3. Sundaram
4. Kalaiarasan
5. Tamilarasan
6. Sudhakar

..Respondents

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to grant an order of interim direction to provide police protection to the petitioner and her husband based on the request submitted to the respondents dated 04.12.2021 pending disposal of the present original petition.

For Petitioner	:	Mr.I.Abrar MD Abdullah
For Respondents	:	Mr.A.Gokulakrishnan Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a interim direction to provide police protection to the petitioner and her husband based on the request submitted to the respondents dated 04.12.2021 pending disposal of the present original petition.



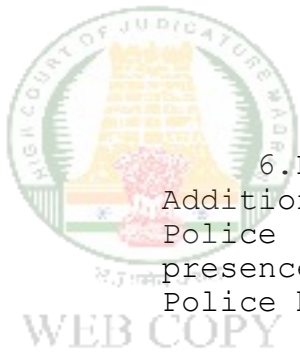
2. Earlier this Court by an order dated 23.12.2021 had directed the Inspector of Police, Vengal Police Station, to cause enquiry with the revenue authorities and if found that the petitioner's land has been encroached upon not only by the communist party or by any other political parties, who have put up a flag mast on petitioner's land or any public land, to be removed, if needed force to be used. Further, the first respondent/DSP was directed to ensure that the un-authorized encroachments are removed. This Court had directed the matter to be posted on 10.01.2022 under the caption "for reporting compliance".

3. Thereafter, the matter was listed on 31.03.2022, for reporting compliance. The first respondent/The District Superintendent of Police was not present before this Court on 31.03.2022. This Court had directed the learned Government Advocate (Crl.Side) to intimate the first respondent/The District Superintendent of Police to be present before this Court on 05.04.2022. The said order is extracted hereunder:

"2. This Court by an order dated 23.12.2021, had directed the Inspector of Police, Vengal Police Station, to cause enquiry with the revenue authorities and if found that the petitioner's land has been encroached upon and it seems/needs to be removed by force. The first respondent/The District Superintendent of Police, Tiruvallur was also directed to enquire with the un-authorized encroachments and he has been directed to report of compliance on 10.01.2022."

4. The case was again posted on 11.04.2022. On that day, the Superintendent of Police was not present before this Court and this Court enquired whether the order of this Court dated 23.12.2021 was complied with and what was the reason for the absence of the 1st respondent on earlier hearings.

5. The learned Additional Public Prosecutor submitted that in the order dated 23.12.2021, the first respondent/District Superintendent of Police had been stated as DSP and the order was misread and there was some mis-communication and thereby, they have not communicated the order to the District Superintendent of Police and he sought for apology and he submitted that on the next hearing the first respondent/District Superintendent of Police would be present before this Court.



6. Pursuant to the undertaking given by the learned Additional Public Prosecutor, the District Superintendent of Police Mr. Varunkumar is present before this Court today. The presence of the first respondent/The District Superintendent of Police before this Court is noted.

7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the material available on records.

8. The 1st respondent/District Superintendent of Police submitted that due to mis-communication he was not present on the earlier hearing and that his absence is not deliberate. He would submit that the order has been complied with.

9. The learned Additional Public Prosecutor would submit that the order passed by this Court on 23.12.2021 has been duly complied with the help of the Revenue Officials and the area has been surveyed, pursuant to which the petitioner has also fenced the entire property.

10. The learned counsel for the petitioner would also submit that the order of this Court dated 23.12.2021 has been duly complied with and the entire area has been surveyed and fenced.

11. Recording the submission made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, the prayer sought for in this Criminal Original Petition has been complied, no further adjudication is required.

12. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The District Superintendent of Police,
The Office of District Superintendent of Police,
Tiruvallur.



2. The Inspector of Police (L&O),
All Women Police Station,
Tiruvallur.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.25469 of 2021

AJS (CO)
PM/19/05/2022