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Crl.O.P.No.26246/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N. MANJULA

Crl.O.P.No.26246 of 2022

A.R.Amanvillah

...

Petitioner

/vs/

1.The Deputy Commissioner of Police,
Greater Chennai Police,
Flower Bazaar Division,
North Beach Road,
Chennai 600 011.

2.The Chief Executive Officer/
Estate Officer,
Tamilnadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

3.The Superintendent of Wakfs,
Chennai, Tamil Nadu Wakf Board,
Dr.Besant Road, Triplicane,
Chennai-5.

4.The Inspector of Police,
B1 Police Station (L&O),
North Beach Road,
Chennai 600 011

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the 1st respondent police to accord police protection to the



Crl.O.P.No.26246/2022

3rd respondent to execute the eviction order dated 24.1.2022 passed in P.P.3/Che/2021 and confirmed in CMA.No.4/22 by order dated 16.08.2022 as sought vide proceedings of the 2nd respondent dated 13.10.2022 in Lr.PP.No.3/Che/2021 .

For Petitioner	...	Mr.N.A. Nissar Ahmed
For Respondents	...	Mr.S.Santhosh Government Advocate (Crl.Side) for R1 and R4

ORDER

This Criminal Original Petition is filed to direct the 1st respondent police to accord police protection to the 3rd respondent to execute the eviction order dated 24.1.2022 passed in P.P.3/Che/2021 and confirmed in CMA.No.4/22 by order dated 16.08.2022 as sought vide proceedings of the 2nd respondent dated 13.10.2022 in Lr.PP.No.3/Che/2021 .

2. The learned counsel for the petitioner submitted that on a petition filed by the petitioner before the 2nd respondent/Estate Officer, Tamil Nadu Wakf Board, an order has been passed on 24.1.2022 under Tamil Nadu Public Premises (Eviction of unauthorised Occupants) Act, 1975 (TN Act 1



Crl.O.P.No.26246/2022

of 1976) for evicting one Syed Ismail who is the respondent in the said proceedings. The above order was challenged by the respondent therein by filing appeal in C.M.A.No.4 of 2022 before the Principal Judge, City Civil Court, Chennai and the said appeal was also dismissed on 16.08.2022 by confirming the order passed by the 2nd respondent herein. Since the order of the 2nd respondent has attained finality, the petitioner, who is managing the property occupied by the said Syed Ismail is taking steps to execute the order passed by the 2nd respondent. He would further submit that for such eviction, the 2nd respondent sent a representation to the 1st respondent on 13.10.2022 seeking police protection, however, no action has been taken by the 1st respondent to accord police protection.

3. The learned Govt. Advocate (crl.side) appearing for the respondent police submitted that the representation dated 13.10.2022 given by the 2nd respondent would be considered in accordance with law and do the needful.

4. The petitioner is provided with a court order and in order to reap the benefits of the order of the Court, a representation for protection was



Crl.O.P.No.26246/2022

given on 13.10.2022 and it is pending with the respondent police for consideration. Hence, the respondent police is obliged to provide police protection in case of any apprehension of law and order problem while executing the court order . Therefore, I feel it is appropriate to direct the respondent police to consider the representation of the 2nd respondent dated 13.10.2022 and do the needful in accordance with law.

5. With the above direction, this Criminal Original Petition is allowed.

01.11.2022

Index : Yes/No

Internet : Yes/No

msr

To

- 1.The Deputy Commissioner of Police,
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Flower Bazaar Division,
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Chennai 600 011.
- 2.The Chief Executive Officer/
Estate Officer,
Tamilnadu Wakf Board,
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Crl.O.P.No.26246/2022

Vallal Seethakathi Nagar,
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3.The Superintendent of Wakfs,
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Dr.Besant Road, Triplicane,
Chennai-5.

4.The Inspector of Police,
B1 Police Station (L&O),
North Beach Road,
Chennai 600 011

5.The Public Prosecutor,
High Court, Madras.

R.N. MANJULA, J.

msr



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Crl.O.P.No.26246/2022

Crl.O.P.No.26246 of 2022

01.11.2022