



WEB COPY



W.P.No.33939 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.33939 of 2022

A.Shahul Hammed

... Petitioner

Vs.

1. The District Commissioner of Police,
Tripilican,
Chennai -600 002.

2. The Inspector of Police,
F-2, Police Station, Egmore,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India to issue Writ of Mandamus to direct the 1st and 2nd respondent to give police protection to the petitioner for open and run business in the two shops each 100 sqft in the premises of Door No.11/1, ground floor, Connett Lane, Gandhi Irwin Road, Egmore, Chennai - 600 008.

For Petitioner

: Mr.S.Jeral Lenin

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Writ Petition has been filed to direct the 1st and 2nd respondent to give police protection to the petitioner to do his business peacefully in the two shops (each 100 sqft) in the premises of Door No.11/1, ground floor, Connett Lane, Gandhi Irwin Road, Egmore, Chennai - 600 008.

2. The learned counsel for the petitioner submitted that the petitioner is a statutory tenant under one Balasubramaniam. When the said Balasubramaniam attempted to forcibly evict the petitioner from the premises, he filed a suit in O.S.No.955 of 2022 on the file of the XII Assistant City Civil Court and he also filed I.A.No.01 of 2019 in the said Suit for the purpose of interim injunction and the same was allowed by the learned Judge on 09.03.2020. Aggrieved by the said order, one Shakeel Ahmed Khan along with three others filed an appeal in C.M.A.No.09 of 2020 before the learned VII Additional City Civil Court, Chennai and the same was dismissed by confirming the I.A.No.01 of 2019 in O.S.No.955 of 2019. The petitioner had favorable order with regard to possession and enjoyment of the suit property. However, one Shkeel Ahmed Khan, T.H.Shafeeq Amed Khan, T.H.Shameed Akamed Khan are not permitting to do his business peacefully. Therefore, the present petition is filed.



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3. The learned Government Advocate (Crl. Side) submitted that the petitioner had given a representation to the first respondent on 22.11.2022. In this regard, enquiry was conducted and the same was closed for the reason that the issue involved in this case is civil in nature. He further submitted that the said Shakeel Ahmed Khan along with others filed a Civil Revision petition in C.R.P.No.3122 of 2022 and it is pending before this Court.

4. Taking into consideration the facts and circumstances of the case and also considering that the Civil Revision Petition in C.R.P.No.3122 of 2022 is pending, therefore, this Court cannot issue any blanket direction for police protection. However, if any criminal act is reported, the respondents police will act on the basis of the complaint given by the petitioner.

5. With the above observation and directions, this Writ Petition is disposed of. No costs.

19.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

Sma

To

1. The District Commissioner of Police,
Tripilican,
Chennai -600 002.
2. The Inspector of Police,
F-2, Police Station, Egmore,
Chennai - 600 002.
3. The Public Prosecutor,
High Court of Madras.

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