



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19816 of 2021

R.Kannan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Thallakulam,
Madurai - 625 002.

2.The Inspector of Police,
C4-Thilagarthidal Police Station,
Madurai - 625 001.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to instruct the 2nd respondent to take necessary steps and provide adequate police protection to break open the lock and to remove the chemical substances in the godown and handover the vacant possession to the petitioner.

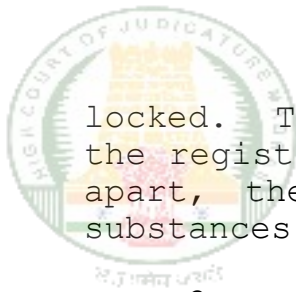
For Petitioner : Mr.T.R.Subramanian

For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner is the owner of the premises bearing Door No.328, North Masi Street, Madurai. The petitioner had given the said property on lease in favour of one Anis Mohameed. Copy of the rental agreement dated 01.10.2018 entered into between the parties has also been enclosed in the typed set of papers. The petitioner's mother namely, Shanmugavalli is shown as the lessor in the said document. The property in question appears to have been allotted to the petitioner in a family partition. Copy of the partition deed dated 08.09.2021 has also been enclosed in the typed set of papers. The said tenant was murdered on 20.10.2021. The premises remain



locked. The petitioner wants to enter the premises but in view of the registration of the murder case, he is hesitant to do so. That apart, the said tenant is said to have stored some chemical substances in the premises in question.

3.I made it clear to the petitioner's counsel that regarding the removal chemical substances presently found inside the petitioner's premises, it is the petitioner who will have to make appropriate arrangements in accordance with law. This Court will only grant permission to the petitioner to break open the godown and take possession of the same. The petitioner through his counsel gives an undertaking that he would be satisfied if this limited relief is granted to the petitioner.

4.Recording the said undertaking, the petitioner is permitted to break open the lock of the petition mentioned premises on 08.01.2022 at 11.00 am in the presence of the second respondent and inventory of what is inside the godown will also be taken. The inventory shall be counter-signed by the petitioner as well as the second respondent. It is for the petitioner herein to make appropriate arrangements for the safe disposal of the chemical substances stored in the godown.

5.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Commissioner of Police,
Madurai City,
Thallakulam,
Madurai - 625 002.



2.The Inspector of Police,
C4-Thilagarthidal Police Station,
Madurai - 625 001.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-540[F] dated
06/01/2022)

Crl.O.P (MD) No.19816 of 2021
04.01.2022

SR(CO)
TR(06.01.2022) 3P 5C