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Crl.O.P.No.4650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4650 of 2023

A.M.Omerdin

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram Police Commissionerate,
Muthuranga Madali Street,
Tambaram, Chennai - 600 045.
2. The Deputy Commissioner of Police,
Pallikaranai, Chennai - 600 100.
3. The State Represented by,
The Inspector of Police,
J23- Kanathur Police Station,
Kanathur, Chennai - 603 112.
4. Nainur Kuppam Fisherman Group,
Rep. by its President,
Kanathur Village, Kanathoor.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd respondent police to provide police protection to the petitioner land situated at Old No.191, New No.157, Uthandi Village, Sholinganallur Taluk for constructing compound wall in the petitioner land as per petitioner representation dated 21.01.2023.



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For Petitioner : Mr.M.Mohamed Riyaz,
for M/s.Z.Rifa Fathima
For Respondent : Mr.Arul Joseph Selvam (for R1 to R3)
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking direction to the 3rd respondent police to provide police protection to the petitioner land situated at Old No.191, New No.157, Uthandi Village, Sholinganallur Taluk for constructing compound wall in the petitioner land as per petitioner representation dated 21.01.2023.

2. The learned counsel for the petitioner submitted that, petitioner is the owner of the property measuring to an extent of 37 cents together with right over the common passage situated at Old No.191, New No.157, Uthandi Village, Sholinganallur Taluk, Kancheepurm District. He purchased the property through a registered sale deed dated 28.11.2003 from one Sunayana Choudhry and two others through Power Agent Rajic Choudhry. Petitioner's son O.Mohammed Raffi had purchased the property to an extent of 19.5 cents from Rajiv Choudhry and another cents measuring 19.5 cents from Sunitha Chudhry dated 28.11.2003. Totally, an extent of 1 acre 15 cents is in possession and



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enjoyment of the petitioner and his son through Doc.No.11253 of 2022 dated 28.09.2022. Petitioner tried to put compound wall around the property purchased, however, that was objected by Nainar Kuppam Fisherman Group and he demanded Rs.2 Crores for constructing and re-constructing the damaged compound wall. Therefore, petitioner filed suit in O.S.No.1023 of 2014 before the Principal District Munsif Court at Alandur against the said Magesh seeking permanent injunction restraining him and his men from interfering with the petitioner's peaceful possession and enjoyment of the property. The suit was decreed *ex parte* on 26.05.2015. Even thereafter, 4th respondent is obstructing the petitioner's right to put up compound wall in the property. Therefore, present petition is filed.

3. Notice was ordered to the 4th respondent on 01.03.2023. It is seen from the 'track consignment' that, notice was delivered to the 4th respondent. However, no one appeared for 4th respondent today.

4. The learned Government Advocate (Crl. Side) submitted that, on the basis of the representation dated 21.01.2023 given by the petitioner, enquiry was conducted, Magesh appeared for enquiry and he had given written



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undertaking that, he would not interfere with the construction of the compound wall. He would further submit that, as on date, said Magesh is not the President of the Nainar Kuppam Fisherman Group.

5. In the light of the submission made by the learned counsel appearing for the parties, this Court is of the view that, petitioner is able to show prima facie evidence that the petitioner and his son purchased the properties mentioned supra. Petitioner executed settlement deed in favour of his son. The old compound wall is damaged and therefore, petitioner wants to reconstruct a new compound wall in the property. However, it is prevented by the 4th respondent. It is not right. Therefore, 3rd respondent is directed to consider the petitioner's representation dated 21.01.2023 and pass appropriate orders including providing police protection for the construction of compound wall.

6. Accordingly, this Criminal Original Petition is allowed.

05.04.2023

sma



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To,

1. The Commissioner of Police,
Tambaram Police Commissionerate,
Muthuranga Madali Street,
Tambaram, Chennai – 600 045.
2. The Deputy Commissioner of Police,
Pallikaranai, Chennai – 600 100/
3. The State Represented by,
The Inspector of Police,
J 23 – Kanathur Police Station,
Kanathur, Chennai – 603 112.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

sma

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