



WEB COPY



W.P.No.25131 of 2022 etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25131 of 2022 & W.M.P.No.24077 of 2022
Crl.M.P.Nos.1657 of 2023 in Crl.O.P.No.20286 of 2021
and Cont.P.No.365 of 2023 & Sub Appl (OS).No.134 of 2023

W.P.No.25131 of 2022 :-

Stella

...Petitioner

-Vs-

1. The Commissioner of Police,
O/o. The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.
2. The Assistant Commissioner of Police,
Triplicane, Wallahjaj Road,
Anna Salai, Triplicane,
Chennai – 600 005.
3. The Inspector of Police,
D2, Anna Salai Police Station,
Chennai – 600 002.
4. Lord Ramgopal
5. Krishnakumar Desai
(R4 & R5 Suo Motu impleaded
vide order dated 13.07.2023
made in W.P.No.25131 of 2022)



W.P.No.25131 of 2022 etc.,

6. M/s. TVS Mobility Private Limited
No.10, Jawahar Road,
Chokkikulam, Madurai- 625002.
Rep. by its Chief Operating Officer,
Madhuraghnuath
(R6 impleaded vide order
dated 13.09.2023 made in
W.M.P.No.26518 of 2023 in
W.P.No. 21531 of 2022)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st to 3rd respondent police officials to effect police protection to the petitioner and the property situated at Door No.74, General Patters Road, Chennai – 600 002 (Govind Palace) by considering the petitioner's representation dated 08.09.2022.

For Petitioner	: Mr.Naveen Kumar Murthy For Mr. V.P.K.Gowtham
For Respondents	
For R1 to R3	: Mr.A.Gopinath Government Advocate (Crl. Side)
For R4 & R5	: Mr.V.P.Raman For Mr.Govind Chandrasekar
For R6	: Mr.Krishna Srinivas, Senior Counsel For M/s.S.Ramasubramaniam & Asso.

Crl.M.P.No.1657 of 2021 in Crl.O.P.No.20286 of 2021

Lakshmi

...Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
D2, Anna Salai Police Station,
Chennai – 600 002.



W.P.No.25131 of 2022 etc.,

2. The Assistant Commissioner of Police,
Wallahhaj Road,
Triplicane,
Chennai – 600 005.

3. Lord Ramgopal
4. Krishnakumar Desai

... Respondents

Prayer: Criminal Miscellaneous petition filed under Section 482 of Code of Criminal Procedure, to recall the judgment dated 09.06.2022 made in Crl.O.P.No.20286 of 2021.

For Petitioner : Mr.R.John Sathyan, Senior counsel
For Mr.D.Karthik

For Respondents

For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl. Side)

For R3 & R4 : Mr.V.P.Raman
For Mr.Govind Chandrasekar

Cont.P.No.365 of 2023

Stella

...Petitioner

-Vs-

Mr.Veerachamy
Inspector of Police
D2, Anna Salai Police Station,
Chennai – 600 002

... Respondent

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent herein for their wilful disobedience and defiance of the order of this Court dated 16.09.2022 in W.M.P.No.24077 of 2022 in W.P.No.25131 of 2022.



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W.P.No.25131 of 2022 etc.,

For Petitioner : Mr.Naveen Kumar Murthy
For Mr. V.P.K.Gowtham

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

The petition in W.P.No.25131 of 2022 has been filed seeking for police protection to the petitioner for the property situated at Door No.74, General Patters Road, Chennai – 600 002 (Govind Palace) by considering the petitioner's representation dated 08.09.2022.

2. The petition in Crl.M.P.No.1657 of 2023 has been filed to recall the order dated 09.06.2022 passed by this Court in Crl.O.P.No.20286 of 2021, thereby closed the said Criminal Original Petition.

3. The Contempt Petition in Cont.P.No.365 of 2023 has been filed to punish the respondent for non compliance of the order dated 16.09.2022, passed by this Court in W.M.P.No.24077 of 2022 in W.P.No.25131 of 2022, thereby directing the respondent to ensure the safety of the petitioner.



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4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. The petition in Crl.O.P.No.20286 of 2021 was filed seeking police protection to the petitioner and her family members to enter into the property situated at old No.74, New No.78, G.P. Road, Royappettah Chennai – 600 014. When the matter was taken up for hearing on 09.06.2022, the learned Government Advocate (Crl. Side) submitted that on the request made by the petitioner, enquiry was conducted and the same was closed on 24.08.2021. Recording the said submission, this Court closed the petition for police protection by an order dated 09.06.2022.

6. The recall petition in Crl.M.P.No.1657 of 2023 has been filed on the ground that when the criminal original petition was came up for admission before this Court on 02.12.2021, this Court observed that there seems to be counter claim and perusal of the document is very much necessary for the respondent police. Therefore, this Court directed the petitioner to appear before the respondent police on 06.12.2021 along



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with required documents, by an order dated 02.12.2021. When the matter was taken up for next hearing on 09.06.2022, the learned Government Advocate (Crl.Side) submitted that already enquiry was conducted and the same was closed as early as on 24.08.2021 itself.

7. It is also seen that the sister of the petitioner in Crl.O.P.No.20286 of 2021 also filed writ petition before this Court in W.P.No.25131 of 2022, seeking police protection to enter into the property situated at Door No.74, General Patters Road, Chennai – 600 002. She also filed miscellaneous petition in W.M.P.No.24077 of 2022 for interim direction directing the respondents 1 to 3 restraining any third person from entering or trespassing into the property situated at Door No.74, General Patters Road, Chennai – 600 002, except the petitioner and her family members.

8. While considering the interim direction petition filed by the petitioner's sister in W.M.P.No.24077 of 2022, this Court by an order dated 16.09.2022, directed the third respondent in W.P.No.25131 of 2022, to ensure the safety of the petitioner. However, the second



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respondent failed to give any police protection to the petitioner's sister and as such, she filed contempt petition in Cont.P.No.365 of 2023, to punish the respondent for the wilful disobedience of the order dated 16.06.2022, passed by this Court in W.P.No.24077 of 2022 in W.P.No.25131 of 2022.

9. While considering the recall petition in CrI.M.P.No.1657 of 2023 in CrI.O.P.No.20286 of 2021, this Court transferred the complaint to the file of the Assistant Commissioner of Police, CCB, Chennai and directed to register the FIR. Thereafter, the Assistant Commissioner of Police, CCB, Team-I, Chennai, registered FIR in Crime No.61 of 2023 for the offences under Sections 420, 447, 448, 506(i) r/w 34 of IPC, as against five accused persons. Now the investigation is pending on the file of the Assistant Commissioner of Police, CCB, Team I, Chennai. In view of the registration of FIR, now the entire issue has been seized by the investigation agency and it is pending for investigation.

10. The learned counsel appearing for the petitioner in both petitions submitted that though the patta issued in favour of



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Vallabacharya Charitable Trust, it was cancelled by the revenue authority in respect of the subject property. Even after cancelling the patta issued in favour of the counter party, now the accused persons proceeded with the construction in the subject property and continued without any equity based on the orders of the Hon'ble Supreme Court of India dated 18.08.2023 in S.L.P.No.25208 of 2023.

11. Considering the above facts and circumstances, the Assistant Commissioner of Police, CCB, Team-I, Chennai, is directed to complete the investigation and file final report in Crime No.61 of 2023 within a period of twelve (12) weeks from the date of receipt of a copy of this Order. It is made clear that the petitioner in both petitions as well as the accused persons are at liberty to produce all documents in respect of the subject property before the investigating officer and co-operate for investigation. The investigating shall be monitored by the Deputy Commissioner of Police, CCB, Chennai.

12. With the above directions, the Writ Petition in W.P.No.25131 of 2022 and the Criminal Miscellaneous Petition in



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CrI.M.P.No.1657 of 2023 are disposed of. Consequently, connected writ miscellaneous petition is closed. There shall be no order as to cost.

13. In view of the order passed in the Writ Petition, the Contempt Petition is closed. Consequently, connected Sub Application is also closed.

19.12.2023
(2/3)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts

To

1. The Commissioner of Police,
O/o. The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet,
Chennai – 600 007.
2. The Deputy Commissioner of Police,
CCB, Chennai.
3. The Assistant Commissioner of Police,
CCB, Team-I, Chennai,
4. The Assistant Commissioner of Police,
Wallahjaj Road, Anna Salai,
Triplicane,
Chennai – 600 005.



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G.K.ILANTHIRAIYAN. J.

rts

5. The Inspector of Police,
D2, Anna Salai Police Station,
Chennai – 600 002.
6. The Public Prosecutor,
Madras High Court,
Chennai.

W.P.No.25131 of 2022 & W.M.P.No.24077 of 2022
Crl.M.P.Nos.1657 of 2023 in Crl.O.P.No.20286 of 2021
and Cont.P.No.365 of 2023 & Sub Appl (OS).No.134 of 2023

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(2/3)