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W.P.No.27775 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P. No.27775 of 2023

A.Azizul Karim

... Petitioner

-VS-

1.The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
(Law and Order),
N3, Mathialpet Police Station,
George Town, Chennai - 600 001.

3.P.S. Kirubakaran
...Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the second respondent herein to consider petitioner representation dated 06.09.2023.

For Petitioner	: Mr.R.Krishnamoorthy for Mr.K.Gangadharan
For Respondents 1 & 2	: Mr.S.Udaya Kumar, Government Advocate (Crl.Side)
For Respondent 3	: Mr.M.Nandhakumar for



WEB COPY

W.P.No.27775 of 20



Mr.Eswar Kumar & Rao

ORDER

Dispute regarding the title and possession of the property situated at Old Door No.129, New Door No.98, Survey No.2973, Coral Merchant Street, George Town, Chennai between the petitioner herein and the 3rd respondent. Suits regarding the possession are pending.

2. In the said circumstances, the 3rd respondent who is the owner of the premises had sought for police protection to the premises, since there was threat to the property at the hands of the petitioner herein. In W.P. No.2517 of 2021, filed by the 3rd respondent, recording the chequered history of the case and the pendency of the suit, seeking injunction, an interim injunction order passed therein, had thought fit to direct the 4th respondent to provide necessary police protection to the property of the petitioner vide order dated 08.02.2021. There was certain other allegations regarding involvement of Advocates in the issues, this Court has also taken note of the said fact and recorded his observation in the said order.

3. Later on 17.08.2021, the said Application was heard at length and



allowed the said Writ Petition with the following observations:

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' 40.This Court feels this case needs elaborate and detailed investigation at the rank of Senior Police Officer. The third respondent/The Deputy Commissioner of Police, Chennai, is directed to ensure the protection of the property. This Court feels that it is necessary that the case in Crime No.68 of 2020, filed against the fifth respondent has to be investigated by a Senior Police Officer in the rank of Deputy Superintendent of Police, not only this case, even the case in Crime No.20 of 2021, pending before the Inspector of Police, N3 Muthialpet Police Station, which is an off shoot of this case, is also hereby ordered to be transferred to the file of Investigating officer, who is to investigate the case in Crime No.68 of 2020.

41.The Investigating Senior Police Officer to ascertain and find out other cases pertaining to the fifth respondent to be transferred and take up for investigation by the same investigating officer, who is to investigate, from now in a comprehensive manner and file a final report, without delay. This direction is necessitated since the fifth respondent claimed himself as an Advocate clerk, Advocate, Real Estate broker, filed several cases before the Courts and obtained orders and it is a clear forgery committed on the Court and its proceedings.

42.The fifth respondent was found in possession of identity cards projecting himself as Judicial officer cannot be taken lightly. In view of the above, the above orders are necessary. If any obstacle is faced by the Investigating Officer, he can approach this Court.'

The antecedent of the respondents 5 to 7 also been taken note by this Court while disposing the above writ petition. Against this order, the petitioner herein has preferred SLP before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 17.05.2022, dismissed the SLP with observation as below,

“However we make it clear that the trial Court while adjudicating the civil dispute pending between the parties shall not be influenced by the observations/findings which have been ordered by the



High Court under the order impugned”

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4. While the issue been thus settled by the Hon'ble Superme Court, the said Azizul Karim has now approached this Court stating that the police protection provided to the property, pursuant to the interim order passed in W.P. No.2517 of 2021 not all in force.

5. The reason for raising the said plea been explained by the learned counsel appearing for the petitioner in the following manner:-

“ Some of the movables of the petitioner is inside the property which is now under lock. The police protection ordered by this Court prevents him from taking his property which is kept inside the locked premises, if the police protection is called off, he can remove his properties kept in the premises.”

6. Though the learned counsel for the petitioner had put his grievance in simple term, it cannot be acceded without permission either by the investigation Agency which has locked the premises or the Court which has granted interim injunction. Any attempt of entering the premises without order of the Court or atleast by consent of the land owner and removing the property, even if there is no police protection, will be illegal and an offence.



7. Therefore, this Court while dismissing this petition, permit the petitioner herein to workout his remedy to remove his material if any, with the leave of the Court where a Civil Suit is pending or otherwise, if the 3rd respondent himself have no objection in handing over the movable properties of the petitioner, that can be done amicably after taking inventory in the presence of the Police. The property of the petitioner herein be given after getting due receipt from the petitioner herein. No costs.

22.11.2023

Internet : Yes/No

Index : Yes/No

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To

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No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
(Law and Order),
N3, Mathialpet Police Station,
George Town, Chennai - 600 001.

3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

rkp

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