



Crl.O.P.No.32335 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32335 of 2022

B.Anuradha

...Petitioner

Vs.

- 1.The Commissioner of Police,
Avadi Range, Greater Chennai,
Chennai District, SRMC, Avadi.
- 2.The Deputy Commissioner of Police,
Avadi Range, Greater Chennai,
Chennai District.
- 3.The Assistant Commissioner of Police,
SRMC Range, Greater Chennai,
Chennai District.
- 4.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
- 5.The Mangadu Municipality,
Mangadu, Chennai.
- 6.Indus Sea-farers Training Academy,
Indus Campus, Manalisaravana Street,
Gangai Amman Kovil Street,
Kundrathur Main Road, Mangadu,
Chennai – 600 122.



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7.A.Guna

...Respondents

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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 1 to 4 to give adequate police protection as against the respondents 6 and 7 as the petitioner to resume the construction activity in petitioner's aforesaid property.

For Petitioner : Mr.Kumar Talreja for Mr.T.K.S.Gandhi

For R-1 to 4 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

For R-5 : Mr.P.Srinivas

For R-6 : Mr.P.M.Bakthavatsalam

For R-7 : Ms.G.Gayathri

ORDER

This Criminal Original Petition is filed to direct the respondents 1 to 4 to give adequate police protection as against the respondents 6 and 7 as the petitioner to resume the construction activity in petitioner's property.

2. It is the submission of the learned counsel for the petitioner that, petitioner purchased a piece of land in Plot No.28 measuring an extent of 1775 sq.ft, Old Patta No.4379, New Patta No.5890, comprised in New Survey No.539/1A8, C.T.A.Garden Phase-II, situated at Mangadu Village,



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Kundrathur Taluk, Kancheepuram. Petitioner's vendor Vijayalakshmi got approval for construction of a building. Thereafter, petitioner purchased the property from vendor Vijayalakshmi. Petitioner entered into a Construction Agreement with the 7th respondent. There was some misunderstanding between the petitioner and 7th respondent, and 7th respondent started giving problems in continuing the construction activities. Infact on 19.12.2022, 7th respondent came to the Construction site and started damaging the construction work. In this regard, petitioner gave a complaint to the 4th respondent on 19.12.2022. However, no action was taken. 6th respondent is also objecting the construction of building by petitioner. Therefore, this petition is filed to give adequate police protection as against the respondents 6 and 7 as the petitioner to resume the construction activity in petitioner's property.

3. Learned Government Advocate (Criminal side) appearing for respondents 1 to 4 submitted that, based on the complaint given by petitioner, enquiry in CSR.No.2517 of 2022 was conducted and closed, for the reason that, petitioner undertook to workout her remedy through Court. 7th respondent had also given a complaint against the petitioner. On that basis



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enquiry was conduct and closed, for the reason that, he wanted to workout his remedy through Court.

4. Learned counsel for the 5th respondent submitted that, petitioner is constructing a building violating the approved plan. Therefore, a notice dated 16.12.2022 was issued by the 5th respondent to petitioner's vendor for constructing a building in violation to the approved plan.

5. Learned counsel for the 6th respondent submitted that, 6th respondent entered into a Lease Agreement with "The Cine Technicians Association of South India" in respect of 9.2 Acres of land in Survey Nos.538, 539, 541, 546/2 of Mangadu Village, Sriperumbudur Taluk. It is his submission that land in which petitioner is constructing the building belongs to 6th respondent. In support of his submission, he produced copies of Sale Deeds produced in the name of "The Cine Technicians Association of South India".

6. Learned counsel for the 7th respondent submitted that 7th respondent spent his own money to the tune of Rs.15,00,000/- in constructing the building. Now petitioner is violating the terms of Agreement, trying to



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construct a building and not returned the amount of the 7th respondent.

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7. Considered the rival submissions and perused the records.

8. As mentioned earlier, petitioner purchased a land in Plot No.28 measuring an extent of 1775 sq.ft, Old Patta No.4379, New Patta No.5890, comprised in New Survey No.539/1A8, "C.T.A.Garden Phase-II, situated at Mangadu Village, Kundrathur Taluk, Kancheepuram as detailed above. It is seen from the documents produced by the learned counsel for the 6th respondent, in the form of Sale Deeds dated 27.07.1993, 07.10.1993, 07.10.1993, 07.10.1993 in favour of "The Cine Technicians Association of South India", total extent of 2.31 Acres out of 4.79 Acres in Survey No.539 was purchased. Therefore, the claim of the 6th respondent that, the property purchased by petitioner lies within the property purchased by "The Cine Technicians Association of South India" and leased to the 6th respondent is a matter to be decided only by the a competent Civil Court. This court cannot enquire that aspect now. Admittedly, there is a plan approval for construction of building in the aforesaid Plot No.28 situated at Mangadu Village, Kundrathur Taluk, Kancheepuram in favour of previous owner of the



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petitioner Vijayalakshmi. It is now brought to the notice of this Court by the learned counsel for the 5th respondent that notice is given to Vijayalakshmi for constructing the building by deviating the sanctioned plan. Deviation and construction is a matter between the petitioner and 5th respondent. Neither 6th respondent nor 7th respondent can have any say on this. It appears that only a show cause notice was given on 16.12.2022. Following the show cause notice, Stop Work Order dated 22.12.2022 was also given, for violating the building plan. An option was also given to Vijayalakshmi to file an Appeal against the Stop Work Order. Petitioner can very well approach the 5th respondent for changing the approved plan in her name by following necessary procedure.

9. From the facts and circumstances stated before this Court, this Court is of the view that, if 6th respondent has any claim over the land, in which petitioner is constructing the building, 6th respondent has to approach only a Civil Court for appropriate remedy. 6th respondent has no authority or right to stop or interfere with the construction of the petitioner. Similarly, if there is a violation of the Construction Agreement between the petitioner and 7th respondent, and if 7th respondent aggrieved against the petitioner, 7th



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respondent has to approach only a Civil court for appropriate remedy and he has no authority or right to interfere with the construction of the building.

10. In this view of the matter, if construction is continued by the petitioner, subject to regularization of building plan in the name of the petitioner and rectification of defects pointed out in the show cause notice, respondent police is directed to give necessary and appropriate police protection in the event of any obstruction from respondents 6 and 7. Accordingly, this Criminal Original Petition is disposed of.

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Internet :Yes

Index :Yes/No

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G.CHANDRASEKHARAN, J.
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To:

- 1.The Commissioner of Police,
Avadi Range, Greater Chennai,
Chennai District, SRMC, Avadi.
- 2.The Deputy Commissioner of Police,
Avadi Range, Greater Chennai,
Chennai District.
- 3.The Assistant Commissioner of Police,
SRMC Range, Greater Chennai,
Chennai District.
- 4.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
- 5.The Mangadu Municipality,
Mangadu, Chennai.
- 6.The Public Prosecutor,
High Court of Madras.

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