



WEB COPY

Crl.O.P.(MD)No.6063 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.6063 of 2023

Ramanathan

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Thideer Nagar Range,
Madurai.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai.

3.P.Muthu

4.S.P.Soundarajan

.. Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the respondents herein to provide effective police protection for the petitioner to enter into the petitioner's own building situated at S.No.1855/1, bearing Door Nos.258A, 259, 1A and 1B which was encroached by the third and fourth respondents, on the basis of the order passed by the RDO, Madurai on 22.02.2023.



CrI.O.P.(MD)No.6063 of 2023

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.J.Karmega Kannan

For R1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

For R3 : Mr.K.P.Narayanakumar

ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for an effective police protection to the petitioner to enter into his own building situated at S.No.1855/1, bearing Door Nos.258A, 259, 1A and 1B which was encroached by the third and fourth respondents, on the basis of the order passed by the Revenue Divisional Officer, Madurai on 22.02.2023.

2. The petitioner is the owner of the property bearing Door Nos.258, 258A and 259 situated at Nethaji Road and Door Nos.1, 1A, 1B and 1C situated at Thiruparankundram Road. The petitioner has let out the said building for rent to various persons. The shop at Door No.258 was let out and rental to the third respondent in February, 2019. He has committed default on payment of rent from January, 2022. As the building are more than 50 years old, the petitioner has taken permission from the Madurai Corporation to demolish the building. After obtaining



permission from the Madurai Corporation, he has demolished the entire building, except Door No.258 as the third respondent has refused to vacate the shop. Since the third respondent failed to vacate, the petitioner has filed O.S.No.552 of 2022 on the file of the V Additional District Court, Madurai, for delivery of possession of the property.

3. The third respondent has started encroaching the vacant place adjacent to the Shop at Door No.258. Since the petitioner is residing at a place fifty kilometres away from the schedule of property and taking it advantage of old-age of the petitioner, the third respondent has constructed a temporary shop using hollow bricks, resembling to be in the old structure. Prior to that, the said premises was given to lease to one Saravanan, who was running a juice center. Now, the third respondent has constructed a new temporary building and running a juice center. The brother-in-law of the third respondent is the political influential person. The petitioner has filed a complaint to the second respondent Police. The said complaint was forwarded to the Assistant Commissioner of Police and the first respondent informed both of them not to enter into the shop and the complaint was forwarded to the Revenue Divisional Officer, Madurai. In the meanwhile, Section 145 of Cr.P.C. proceedings have been initiated.



WEB COPY

Crl.O.P.(MD)No.6063 of 2023



4. Learned counsel for the unofficial respondent No.3 submits that the petitioner has made false allegations in order to get the police protection and the petitioner has been in possession and enjoyment of the property leased out to him. The petitioner is intending to dispossessing the unofficial respondent No.3 under the guise of police protection without following due process.

5. The third respondent has been in possession of the premises taken on lease from the petitioner as per the Rental Agreement, dated 14.02.2019. It shows that the third respondent was given possession of the property to an extent upto 2130 square feet has been leased out by the petitioner.

6. In view of the above facts and circumstance, the respondent No.3 apprehends that the petitioner is likely to dispossesses the respondent No.3 with the help of Police. In the contrary, the petitioner submits that respondent No.3 has been encroaching the vacant site after demolition, taking advantage of the petitioner's absence, who is residing 50 kilometres far away from the property.



WEB COPY

7. Considering the submissions made by both sides and on perusal of records, the respondent Police are directed to consider the representation of the petitioner, wherein, it is alleged that respondent No.3 is attempting to trespass into the land ones and above to an extent of 2150 Square Feet leased out to him as per the Rental Agreement, dated 14.02.2019 by following the circular issued by the DGP in RC.No. 1384913-2/Crime 4(3)/2021, dated 20.09.2021

8. with the above observation, this Criminal Original Petition is disposed of.

22.09.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

tsg

To

1.The Assistant Commissioner of Police,
Thideer Nagar Range,
Madurai.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai.

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



WEB COPY



Crl.O.P.(MD)No.6063 of 2023

DR.D.NAGARJUN. J.

tsg

Crl.O.P.(MD)No.6063 of 2023

22.09.2023