



CrI.O.P.(MD)No.575 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.575 of 2025

A.Sivaraman

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai, Madurai District.

2.The Inspector of Police,
CI, Theedar Nagar Police Station,
Madurai District.

3.T.Kalaiyarasi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to grant adequate police protection to the properties of the corporation in order to prevent any damages while vacating the third respondent from illegal occupation of the petitioner's premises in Ward No.4, Block No.21, Town Survey No.16 in Madurai Town, Madurai East Taluk, Madurai District by considering the representation of the petitioner dated 21.02.2024.

For Petitioner
For R1 and R2

: Mr.SC.Herold Singh
: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to grant police protection to the properties of the corporation in order to prevent any damages while vacating the third respondent from illegal occupation of the petitioner's premises in Ward No.4, Block No.21, Town Survey No.16 in Madurai Town, Madurai East Taluk, Madurai District by considering the representation of the petitioner dated 21.02.2024.

2. The learned counsel for the petitioner submitted that the petitioner, the Branch Manager of the State Transport Corporation, had sent a representation to the first respondent, the Commissioner of Police, Madurai Corporation, on 04.02.2024, seeking adequate police protection for the removal of the encroachment made by the third respondent on the properties of the State Transport Corporation. He further submitted that the husband of the third respondent was the lessee under the petitioner corporation. On expiry of lease period, the third respondent was asked to vacate the premises. However, they refused to vacate the place and the husband of the third respondent has filed a suit in O.S.No.10923 of 2009 before the XI Assistant City Civil Court, Chennai, which was dismissed by a judgment dated 05.10.2013 and the appeal was also dismissed to



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represent the suit before the appropriate Court. Thereafter, the husband of the third respondent filed a suit in O.S.No.430 of 2018 before the First Additional District Munsif Court, Madurai and the injunction petition filed along with the said suit was dismissed. Therefore, there is no legal obstruction to the removal of the encroachment by the third respondent, but the police have not taken any action.

3. The learned Additional Public Prosecutor appearing for the first and second respondents submitted that the petitioner's representation has been received by the first respondent and the same is forwarded to the second respondent, who has to take appropriate steps. He assures that, as and when the State Transport Corporation takes steps to remove the encroachment, the second respondent would give adequate police protection to the petitioner.

4. In view of the above, the Assistant Commissioner of Police, Madurai, Madurai District shall ensure that appropriate police protection is given to the petitioner for the removal of the encroachment made by the third respondent on the properties of the State Transport Corporation. The State Transport Corporation shall inform the Assistant Commissioner of Police prior to the removal of the encroachment.



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5. Accordingly, this Criminal Original Petition stands disposed of.

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NCC : Yes / No

Index : Yes / No
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To

- 1.The Commissioner of Police,
Madurai, Madurai District.
- 2.The Assistant Commissioner of Police,
Madurai, Madurai District.
- 3.The Inspector of Police,
CI, Theedar Nagar Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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