

# **P.S.Kirubakaran vs The Commissioner Of Police on 17 August, 2021**

**Author: M.Nirmal Kumar**

**Bench: M.Nirmal Kumar**

W.P.No.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 04.08.2021

Pronounced on : 17.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.2517 of 2021

and

W.M.P.No.2844 of 2021 and W.M.P.Nos.4682, 13630 & 14539 of 2021

P.S.Kirubakaran

... Petition

Versus

1.The Commissioner of Police,  
EVK Sampath Road,  
Vepery, Chennai – 7.

2.The Joint Commissioner of Police,  
T H Road, Tondiarpet,  
Chennai – 81.

3.The Deputy Commissioner of Police,  
Flower Bazaar Police Station,  
Chennai – 1.

4.The Inspector of Police,  
N-3, Muthaiyalpet Police Station,  
Broadway, Chennai – 1.

5.Azizul Karim

6.Syed Ahamed Ammal

7.Rahman

... Respondent

<https://www.mhc.tn.gov.in/judis/>

Page No.1 of 43

W.P.

Prayer in WP.No.2517 of 2021: Writ Petition filed under Article 226 Constitution of India, to issue Writ of Mandamus, to direct the respondents 1 to 4 to provide police protection to the petitioner's property situated in Old Door No.129 and New Door No.98 in Coral Merchant Street, (Pavalakara Street), Mannadi, Chennai – 600001 comprised in T.S.No.2973, Block No.27, measuring to an extent of 2163 sq.ft.,

Prayer in W.M.P.No.2844 of 2021: Writ Miscellaneous Petition filed under Section 226 of the Constitution of India, 1950, to issue interim direction to respondents one to four to provide police protection to petitioner's life and property situated in Old Door No.129 and New Door No.98 in Coral Merchant Street, (Pavalakara Street), Mannadi, Chennai – 600001, comprised in T.S.No.2973, Block No.27, measuring to an extent of 2163 Sq.ft.,

Prayer in W.M.P.No.4682 of 2021: Writ Miscellaneous Petition filed under Article 226 Constitution of India, to vacate the interim order dated 08.02.2021 passed in W.M.P.No.2844 of 2021 in W.P.No.2517 of 2021.

Prayer in W.M.P.No.13630 of 2021: Writ Miscellaneous Petition filed under Article 226 Constitution of India, to direct the second respondents herein more particularly the fourth respondent to file counter/status report and also to investigate and file final report on incidents happened on 21.11.2020 and 10.02.2021 in the subject property.  
<https://www.mhc.tn.gov.in/judis/>

Page No.2 of 43

W.P.

situated in Old Door No.129 and New Door No.98 in Coral Merchant Street (Pavazhakkara Street), Mannadi, Chennai – 600 001.

Prayer in W.M.P.No.14539 of 2021: Writ Miscellaneous Petition filed under Section 340 of Criminal Procedure Code, for initiation of Criminal Prosecution for commission of offence of Judicial Perjury, consider the petitioner's application and initiate the criminal prosecution against the fifth respondent/Writ Petitioner.

For Petitioner : Mr. D. Arun Anbumani  
for Mr. B. Vijay

For R1 to R4 : Mr.A.Damodaran,  
Government Advocate (CrI.Side)

For R5 : Mr.M.Anandaraj & S.Prabudoss

For R6 & R7 : Mr.K.M.Ramesh

ORDER

The Writ Petition is filed seeking a direction to direct the respondents 1 to 4 to provide police protection to the petitioner's life and property situated in Old Door No.129 and New Door No.98 in Coral Merchant Street, (Pavalakara Street), Mannadi, Chennai – 600001 comprised in T.S.No.2973, Block No.27, measuring to an extent of 2163 sq.ft., <https://www.mhc.tn.gov.in/judis/>

2.The contention of the petitioner is that the petitioner along with seven others namely P.S.Gurunathan (died on 30.01.2010), P.S.Padma (died on 29.12.1989) P.G.Sivagananam, P.N.Venugopal, P.N.Annamalai, P.S.Anandan are the absolute owners of the property, which as per conservative estimate is valued at Rs.5 Crores. This subject property was leased out to the fifth respondent/Azizul Kareem on 15.12.2012, for monthly rent of Rs.20,000/- for using it as a car parking area. The fifth respondent committed default in payment of monthly rent and petitioner instructed him to vacate the premises in February 2019. At that time, the fifth respondent sought some time to vacate the premises.

3.This being the case, contrary to the undertaking, it was found that the fifth respondent created fabricated unregistered sale agreement dated 02.06.2014 by forging the signatures of the owners of the property and included the above mentioned persons in the said sale deed dated 02.06.2014. In fact two of the owners viz., P.S.Gurunathan passed away on 30.01.2010 and P.S.Padma passed away on 29.12.1989, decades before the sale agreement dated 02.06.2014 is said to have been executed. Using this forged unregistered sale agreement, the fifth respondent filed a suit for specific performance in C.S.No.212 of 2017 before this Court. In the <https://www.mhc.tn.gov.in/judis/> forged sale agreement as well as in the civil suit, the defendants address is given as No.4, Jaffer Syrang Street, Mannadi, Chennai 600001. Thereafter, the fifth respondent obtained an exparte decree by Judgement dated 13.07.2018. The filing of the said suit and forging of the above documents came to the knowledge of the petitioner and others, while they appeared in suit O.S.No.1385 of 2019 filed for permanent injunction before the City Civil Court, Chennai by the fifth respondent against the petitioner. Thereafter, search was made and then only, the creation of forged document by the fifth respondent came to light. Further, No.4, Jaffer Syrang Street, Mannadi, Chennai address was used by the fifth respondent claiming himself as Advocate clerk, Advocate, Real Estate Broker and a Businessman, from where he is running a small office. In front of the office, there is one TASMACH shop and this address was specifically given in the suit, so that court notice and summons are all sent to the above said address, where the fifth respondent himself, received the notice or refused the same as per his plan and his design and manipulated the Court

records. Based on the above, the fifth respondent obtained an interim order and ex parte orders as per his plan. Not only in this case, in several other cases, the fifth respondent adopted such design to fulfill his illegal acts. <https://www.mhc.tn.gov.in/judis/>

4.The petitioner filed an application in A.No.8992 of 2019, to set aside the ex parte decree along with application to condone the delay. This Court by order dated 10.02.2020 had set aside the petition for specific performance obtained by the fifth respondent. The petitioner filed an application to set aside the ex parte decree and Judgment dated 30.07.2018 in A.No.8992 of 2019 in C.S.No.212 of 2017. This Court, in A.No.944 of 2020 in C.S.No.212 of 2017 filed by the petitioner to prosecute the fifth respondent for perjury, finding that forged documents were produced by the fifth respondent to fulfill his illegal design and plan. This Court in paragraph No.30 observed that forgery has been committed by the fifth respondent to obtain an ex parte order. It is useful to extract the relevant paragraphs hereunder:-

“30. If the allegations about the fabrication of the agreement of sale and receipts (Ex.P1 to Ex.P6) are found to be true, in the case on hand, it is nothing but perjury as these documents have not only been filed but have also been marked as exhibits through the respondent as P.W.1. The respondent has marked the documents after swearing to the truth and validity of the documents. Not only has the respondent instituted the suit on the basis of forged and fabricated documents but has also manipulated <https://www.mhc.tn.gov.in/judis/> the service of notice on the applicants and the other defendants with the intent of snatching an ex parte decree. Even here the respondent has manipulated the administration of Justice. The respondent has also not chosen to deny any of the statements made in the affidavit filed in support of the petition. Therefore a prima facie case for lodging a complaint under Section 340 of the Code has been made out by the applicant.

31.Therefore, directions are issued to the Registrar General, Madras High Court, to initiate the complaint against the respondent.”

5.The petitioner had preferred a complaint to the Commissioner of Police on 06.01.2020 setting out these facts, based on which a case in Crime No.68 of 2020 for the offence under Sections 419, 420, 465, 467, 468 471 and 120(B) read with 109 of IPC., was registered against fifth respondent, one Kannan, Ajith, Devanathan and others. The fifth respondent moved an Anticipatory bail application before this Court in CrI.O.P.No.4804 of 2020, in which, this Court passed a detailed order, finding that the fifth respondent had given No.4, Jaffer Syrang Street, Mannadi, Chennai address, and in another case, while filing a quash <https://www.mhc.tn.gov.in/judis/> petition seeking quashing of the proceedings in CC.No.10020 of 2017. In this case, the fifth respondent furnished a bogus Demand Draft. Later, the Demand Draft, when produced for encashment, the fabrication of documents came to light. During the course of investigation, it was found that the fifth respondent is using the above said address. This Court, thereafter, finding custodial interrogation of the fifth respondent is necessary, dismissed the anticipatory bail.

6.The fifth respondent was arrested on 02.09.2020 and produced before the Special Court for CCB, CID cases, Egmore, Chennai. Following the arrest, finding that the fifth respondent is a regular offender and several cases are pending against him, he was detained under Goondas Act on 21.09.2020. During the investigation, the fifth respondent's house was searched as also his office, at the said address, where from, the Identity card in the name of High Court High Court judicature at Madras, Government of Tamil Nadu, Tamil Nadu State Judicial Service Identity card, in which, the fifth respondent/Azizul Kareem, shown as Civil Judge, Junior Division Judicial Magistrate, Government Seals were recovered. The list of cases filed by the fifth respondent using No.4, Jaffer Syrang Street, Chennai are hereunder:-

<https://www.mhc.tn.gov.in/judis/> Office address of Advocate on the S. Nature of Location of suit record Case No. Cause Title advocate on No. suit property for the record the 5th respondent 5th respondent 12898 of 2010 Malick, No.4, Jaffar No.6/4, Syrang Street, Chennai Suit for No.26/55, Moore Jaffar

-vs- A.Anandhan, permanent street, Mannadi, Syrang Kirubananthan. S.Rajesh Kumar injunction Chennai-1 Street, S/o. Natesan, No.26/55, Chennai-1 Moore street, Mannadi, Chennai-1

2. Crl.O.P.No. Azizul Karim, S/o. Abdual 8127 of 2019 Malick, No.4, Jaffer Syrang Street, Chennai

-vs- Quash R.Barnabas, Inspector of Police CCB, petition G.Lavanya Egmore, 15th Team, Cr.No.76 of 2006.

3. C.S.No. Azizul Karim, S/o. Abdual Old S. No.2055, MHAA 212 of 2012 Malick, No.111, Moore New No.2973, Old (filed against street,Chennai-1 Suit for No.129, New 1st Floor, the petitioner -vs- specific G.Lavanya High Court No.98, Pavalakara and other co- P.G. Sivagnanam and 7 Performance Building, Street, George owners) others, No.4, Jaffer Syrang Chennai Town, Chennai-1 Street, Chennai-1

4. O.S No. 8566 of 2011 Azizul Karim, S/o. Abdual No.24, Old No. MHAA Malick, No.6/4, Jaffar 20,21, Syrang street, Chennai-1 Suit for 1st Floor, ArasappaMudali

-vs- specific A.Elayaraja, High Court, street, Yusuf Sulaiga and 4 others, Performance Building, Purasiwakkam, No.26/55, Moore Street, Chennai Chennai Mannadi, Chennai-1.

5. O.S.No Azizul Karim, S/o. Abdual 5222 of 2013 Malick, No.6/4, Jaffar MHAA No.6/4, Jaffar Syrang street, Chennai-1 Suit for 1ST Floor, Syrang street,

-vs- specific A.Anandhan, High Court, Chennai-1 Syed Mohamed Ali and Performance Building, another, No. 1, Mannadi, Chennai Chennai-1

6. O.S.No. Azizul Karim, S/o. Abdual 457 of 2011 Malick, Old No.315, New No.38, Thambu Chetty No.6(Old No.111), Street, Chennai-600 001.

Moore Street,

-vs- Suit for George Town, Not known Shaik specific S.Rajesh Kumar Chennai-600 001, Noorudeen, Performance measuring about S/o. shaik Abdual Khader, 2450 sq.ft.

No.6/4, Jaffer Syrang, Street, Chennai-600 001.

<https://www.mhc.tn.gov.in/judis/>

7. A.S.No. Azizul Karim, S/o. Abdual 31 of 2017 Malick, Old No.315, New No.38, Thambu Chetty No.6(Old No.111), First Appeal M/s A. Street, Chennai-600 001. Moore Street, against suit Mayakannan,

-vs- George Town, for Counsel for the Not known Shaik Noorudeen, Chennai-600 001, permanent Appellant/ S/o. shaik Abdual Khader, measuring about injunction Plaintiff No.6/4, Jaffer Syrang, 2450 sq.ft.

Street, Chennai- 600 001.

8. S.A.No. Azizul Karim, S/o. Abdual 895 of 2018 Malick, Old No.315, New No.38, Thambu Chetty Second No.6(Old No.111), Street, Chennai-600 001. Appeal Moore Street,

-vs- against suit George Town, Barnabas Not known Shaik Noorudeen, for Chennai-600 001, S/o. shaik Abdual permanent measuring about Khader, No.6/4, Jaffer injunction 2450 sq.ft.

Syrang, Street, Chennai-

600 001.

9. O.S.No. Azizul Karim, S/o. Abdual Plot No. 42 survey 4768 of 2018 Malick, Old No.315, New No. 755 part No.38, Thambu Chetty known as plot Street, Chennai-600 001. Suit for No.42, III Cross R. Barnabas,

-vs- permanent street, Not known G. Lavanya N. Surendranath, S/o. injunction MahankaviBharath Nagendra Rao, No.6/4, iar Road, T.N.H.B. Jaffer Syrang, Street, Colony, Vysarpadi, Chennai- 600 001. Chennai-600 039

10. O.S.No. Azizul Karim, S/o. Abdual 5005 of 2014 (filed against Malick, No.131, 1st Floor, coral Merchant Street, MHAA the No. 131, 1st Floor, petitioner's Chennai-1 Suit for A. Anandhan, 1ST Floor, permanent coral Merchant son—this fact -vs- B. Lavanya High Court, injunction Street, Chennai-1 came to the P.K. Arun, S/o. P.S Building, petitioner's Kirubakaran, No.271, Chennai

notice only Thambu Chetti Street, now) Chennai-1

11. O.S.No. Old No.8, New 2257 of 2013 No. 15, Bala Azizual Karim Suit for Arunachala Chetty

-vs- permanent K.R. Kannan Not known street, Old P.N. Rajeswari injunction washermenpet, Chennai-21

12. O.S.No. Azizul Karim, S/o. Abdual No.164, 3501 of 2008 Malick, No.4, Jaffar Sarang Additional street, A.M Venkata Law Suit for Chennai-600 001. No.18/15, Sultani Krishnan, chamber, permanent

-vs- street, Chennai-1 T. Pandiyan, High Court injunction K.S. Naina Mohammed, K.C Jayashree Building, No.45, Ayyappa Chennai-

|     |              |                              |            |
|-----|--------------|------------------------------|------------|
| 13. | O.S.No.      | Chettyst.Mnnady Chennai -1   |            |
|     | 3502 of 2008 | Azizul Karim, S/o. Abdual    | Suit for   |
|     |              | Malick, No.11/24, Muthu      | permanent  |
|     |              | Mari Chetty street, Chennai- | injunction |
|     |              | 1                            |            |
|     |              | -vs-                         |            |

<https://www.mhc.tn.gov.in/judis/>

V. Regarajan, No.134, Coral

Merchant street, Chennai-1

|     |             |                           |               |
|-----|-------------|---------------------------|---------------|
| 14. | O.S.No.     | Azizul Karim, S/o. Abdual |               |
|     | 356 of 2013 | Malick, No. 129, New      |               |
|     | (Azizual    | No.98, Pavalakkam street, | Suit for      |
|     | Karim filed | Chennai-1                 | permanent Old |
|     | against the | -vs-                      | injunction    |

petitioner and P.G. Sivagnanam and others based upon Pavalakkara street, others by No.277, Thambu Chetty forged sale Mannady, chennai Building, creating street, Chennai-1 agreement Chennai forged agreement)

7.Further, it was found that the fifth respondent using the forged Court seals, prepared court orders and records in the name of Court. In fact he is also running parallel Court and issuing the Court orders. Thereafter, the CCB police instructed petitioner to install CCTV camera and to appoint a security guard to maintain his property. The fifth respondent has got the history of the following cases which are hereunder:-

| S.No. | Crime    | I.P.C. Section                           |
|-------|----------|--|
| 1.    | 525/2008 | 420                                      |
| 2.    | 530/2008 | 420                                      |
| 3.    | 533/2008 | 420                                      |
| 4.    | 554/2008 | 341, 294(b), 307, 506(ii)                |
| 5.    | 556/2008 | 341, 294(b), 336, 427, 353, 307, 506(ii) |
| 6.    | 76/2006  | 468, 471, 474, 476, 468, 471, 120b,      |
| 7.    |          | Murder case                              |
| 8.    | 68/2020  | 419, 420, 465, 467, 468, 471, 120b, 109  |

<https://www.mhc.tn.gov.in/judis/>

8.The petitioner had secured this valuable property from the clutches of notorious land grabber. While being so, on 21.11.2020 a group of Hooligans Lawyers, led by the sixth respondent and seventh respondent, the wife and brother son of the fifth respondent, along with muscle men and rowdy elements made an attempt to take possession of the property and they made an attempt to break open the lock by using hydraulic machine cutters. These happenings were recorded in the mobile phone of the petitioner's son and photos were taken by the petitioner's son, who was present at that time. The seventh respondent activated unruly lawyers and rowdy elements to take the property forcibly, by taking the law in hands. Immediately, the petitioner's son made emergency call to the Police contact number 100, for the illegal act of the sixth and seventh respondents. The Police personnel arrived at the spot and on seeing them, the rowdy elements and hooligan lawyers, escaped from the scene of occurrence. Thereafter, the petitioner was advised to install a fresh lock to the property. A complaint was also sent to the Commissioner of Police, through Whatsapp, attaching the video footage.

9.On 22.11.2020 a complaint was lodged to the third respondent/ police, to take immediate action against the rowdy elements and Hooligan <https://www.mhc.tn.gov.in/judis/> Advocates. As the petitioner's son was making the complaint, a group of hooligan lawyers entered into the Police Station and forced the Sub- Inspector of Police, not to entertain any complaint and further, they insisted the petitioner to settle the dispute by participating in the Katta Panchayat. The Sub-Inspector of Police,/4th respondent, budging to the pressure, refused to assign CSR and to give acknowledgment receipt for the complaint. Thereafter, the complaint was sent through e-mail to the Commissioner of Police, followed by a written complaint through post. Since no action taken, a



complaint under 156(3) of Cr.P.C was filed before the learned XVI- Metropolitan Magistrate George Town Chennai, seeking a direction.

10.The learned XVI Metropolitan Magistrate, in Crl.M.P.No.41 of 2020, by order dated 14.12.2020, directed the fourth respondent to register the first information report and to conduct investigation. In the meanwhile the petitioner filed a suit in OS.No.4150 of 2020 before the XIII Assistant City Civil Court, against the respondents 5 to 7, seeking permanent injunction to restrain them, their men, agent, representative henchmen from interfering with the petitioner's peaceful possession and enjoyment of the property. Further, I.A.Nos.2 & 3 of 2020, were filed under Order <https://www.mhc.tn.gov.in/judis/> XXXIX Rule 1 & 2 of CPC., seeking interim injunction. While passing an order of Status Quo, the Trial Court ordered notice to the fifth to seventh respondents as contemplated under Order XXXIX and Rule 3 of Civil Procedure Code.

11.The petitioner submits that unknown lawyers and other henchmen of the fifth respondent are constantly interfering with the possession of the property on day-to-day basis by making threat. Hence, the petitioner made a representation to R1 to R4, dated 08.12.2020, seeking police protection for the petitioner's life and property. The fifth respondent was an influential land grabber, he is activating his henchmen and young lawyers to forcibly enter into the petitioner's property. The fifth respondent having entered into the property as a tenant, created forged document with an intention to usurp the valuable property by using the forged document. On the basis of such forged document, fifth respondent approached this Court and the Civil Court and obtained orders in his favour, which were later set aside. Even while fifth respondent was in judicial custody, wielding his influence, activated the rowdy elements and other persons claiming to be lawyers, to take forcible possession of the <https://www.mhc.tn.gov.in/judis/> subject property. Hence, the petitioner filed this petition, seeking protection for himself and his property.

12.The petitioner also filed W.M.P.No.2844 of 2021 and obtained interim protection. it would be beneficial to extract the order passed by this Court on 08.02.2021, which reads as follows:-

“Learner Additional Public prosecutor takes notice for the respondents 1 to 4.

2. this case has a chequered history. The same has been captured in the order passed by this court in Applications No.944 of 2020 dated 01.10.2020. this court, after taking into consideration the fraud committed by the 5th respondent, has initiated proceeding for perjury and has directed the Registrar General to file a complaint under Section 340 of Cr.P.C.

3. It is also seen from the records that an FIR came to be registered in Crime No.68 of 2020 on 26.02.2020 on the file of the CCB-I 420, 465, 467, 468, 471, 120B and 109 IPC. An anticipatory bail petition came to be filed before this court in Crl.O.P.No.4804 of 2020 by the 5th respondent. This court after considering the gravity of the offence committed by the accused persons, was pleased to dismiss the anticipatory bail petition by an order dated 06.08.2020. it is stated that the 5th <https://www.mhc.tn.gov.in/judis/> respondent was therefore arrested and during the

course of investigation, certain shocking facts came to surface and hence, the 5th respondent was detained under Act XIV of 1982 through a detention order dated 22.09.2020.

4. The 5th respondent has been detailed. But however, it looks like he is able to instigate others to act on his behalf and on his calling themselves as Advocates, seems to have made an attempt to break The petitioner immediately gave a complaint in this regard and since no FIR was registered, he approached the XIV Metropolitan Magistrate's Court, Geroge Town by filled an application under Section 156(3) of Cr.P.C and an order came to be passed on 14.12.2020 directing the police to register an FIR and conduct investigation.

5. It is also seen from the records that the petitioner has approached the civil court and filed a suit in O.S.No.4150 of 2020 before the XIII Assistant City Civil Court, Chennai seeking for the relief of permanent injunction and in this suit, an order of interim injunction was also passed on 04.12.2020. the interim order was passed against the respondent 5 to 7 herein.

6. Inspite of the above orders, the threat exerted by the respondent 5 to 7 continues and it is informed that everyone, a group of persons come to the subject property and create law and order problem. It is reported <https://www.mhc.tn.gov.in/judis/> that some of the advocated also form part of this unlawful assembly. Due to the present of the advocates, it is reported that the respondent police is hesitating to give police protection to the property. A representation was made by the petitioner in this regard on 08.12.2020 and the same was not acted upon. Left with no other option, the present writ petition has been filed.

7. This is the third occasion, in the last one month, where the notice of this court has been drawn to the advocates indulging themselves in criminal activities by forming part of an unlawful assembly and making attempt to grab properties. This practice was prevalent in the past and due to the stringent action taken by this court, by suspending some of the advocates, the situation was brought under control. It looks like the lock down periods, has again revived this despicable practice and once again some advocates are indulging in illegal activities of grabbing properties. The photographs that have been filed in the typeset of papers also reveals the participation of some advocates. It is high time that this court again comes down heavily and stop such activities before it goes out of control.

8. In view of the about, there shall be a direction to the 4th respondent to provide necessary police protection to the property of the petitioner. The names of the advocates who were involved in the incident shall be gathered and <https://www.mhc.tn.gov.in/judis/> given to this court by way of a report by the 4th respondent. The 4th respondent shall careful scrutinise the photographs and the video footage and identify the advocates before submitting the report before this

court.

This report will form the basis for this court to give a complaint before the bar council of Tamil Nadu and Pondicherry against the concerned advocates. When it comes to the conduct of the advocates, there will zero tolerance shown by this court and this court has to ensure that the activities of some of the advocates do not spoil the image of the entire profession.”

13.The petitioner further submitted that in his reply he had elaborated the modus operandi and strategy adopted by the fifth respondent. The strategy is that fifth respondent enters into a sale agreement or lease agreement with the property owners, in prime areas of Chennai. Using these agreement, the fifth respondent with his help of his syndicates, would file a suit with fake address and thereby obtain exparte order and decree. Thereafter, Execution petitions will be filed to take delivery of the property to make it appear that Court orders are in his favour. In this way, after obtaining order from the execution Court, the fifth respondent and his men would indulge in blackmailing the real <https://www.mhc.tn.gov.in/judis/> owners and forcibly occupy the property. The second strategy is to create fake Court summons, Court orders with fake Court seals of the City Civil Courts and High Court and used them to claim false ownership of the property. Based on such fake title, he would either sell the property or make the lawful owner to pay money to get back the property. By adopting either of these two strategy, the fifth respondent would defraud the innocent property owners, who were not aware of what was happening to their property behind their back, thereby, blackmailing innocent persons. The fifth respondent also constantly fleeced and extracted huge sums of money from the owners of prime property. From the list of fake suits filed by the fifth respondent, it can be seen that in all the suits, the address of the fifth respondent was given as No.4, Jaffer Syrang Street, Mannadi, Chennai as stated infra.

14.As regards the petitioner's property, the fifth respondent used the same address to create forged sale agreement in the following cases:-

|                       |                          |                   |                    |                         |  |
|-----------------------|--------------------------|-------------------|--------------------|-------------------------|--|
| Suit No.              | & Court Prayer           | Date of Agreement | Status             | Date of filing          | Date of Decree   |
| O.S.No.356/2013       | Permanent                | 15.03.2012        | 10.01.2013 (filed) | City Civil Court        | Injunction (forged Sale 25.07.2014 (decreed) Agreement)  |
| C.S.No.212 of 2017    | Specific                 | 02.06.2014        | 15.03.2017(filed)  | High Court              | Performance (forged Sale 30.07.2018(decreed) <a href="https://www.mhc.tn.gov.in/judis/">https://www.mhc.tn.gov.in/judis/</a> ) |
| Suit No.              | & Court Prayer           | Date of Agreement | Status             | Date of filing          | Date of Decree Agreement)  |
| 10.02.2020(set aside) | O.S.No.1385 of Permanent | 15.02.2012        | 07.03.2019 (filed) | 2019 Injunction pending | City Civil Court   |

15.The petitioner or none of the owners of the property had entered into any sale agreement with the fifth respondent. The fifth respondent, in one stretch, claims to be a tenant, in the same breadth, he claims to be an agreement holder for sale of the property. These documents clearly show that the fifth respondent is claiming possession over the property in this manner. The respondents 6 & 7 attempted to lodge a false complaint against the petitioner and his son, while the fifth respondent was in confinement. The fifth respondent was in prison from 02.09.2020 till 24.01.2020, during his confinement, he managed to engage henchmen, Advocates, to break open the lock and made

attempt to forcibly enter into the occupation of the property.

16.The fifth respondent had filed a counter and typed set of papers stating that the petitioner introduced himself as landlord for the property situated in Old Door No.129 and New Door No.98, Coral Merchant Street, (Pavalakara Street), Mannadi, Chennai – 600001 comprised in <https://www.mhc.tn.gov.in/judis/> T.S.No.2973, Block No.27, measuring to an extent of 2163 sq.ft., and he had executed rental agreement dated 15.12.2012 in his favour, for using it as car parking and for his other business, on a monthly rent of Rs.20,000/- per month, and advance of amount Rs.2 lakhs was paid by the fifth respondent to the petitioner. Only at the time of delivering the sale agreement dated 02.06.2014, the petitioner disclosed about the other co- owners of the property. From the year 2012 and till the interim orders were passed by this Court, the fifth respondent was in possession and enjoyment of the suit property, admeasuring of 2100 sq.ft., Therefore, the petitioner has to prove how he obtained possession of the suit property, from the fifth respondent, whether by following any due process of law or not.

17.In the counter it is stated that the subject property belongs to eight persons and the petitioner is one among them. Without including the other owners, the present petition is not maintainable. However, respondents 6 and 7 are unnecessary parties and they are no way connected with the the above Writ Petition seeking police protection against them and it is illegal and against law.

<https://www.mhc.tn.gov.in/judis/>

18.It is also stated that the petitioner has not produced any document in any of the proceedings before this Court as well as the City Civil Court, to show and prove his title over the property. Thus, with the mala fide intention, the petitioner has filed this petition. The petitioner has approached this Court with unclean hands. In the year 2014, the petitioner approached the fifth respondent and informed that he is willing to sell the property, after negotiation, the sale price was fixed as Rs.27 Lakhs and over the period of time, the petitioner received a sum of Rs.25 Lakhs and only the balance of Rs.2 Lakhs is to be paid. The documents, as usual, was prepared by the petitioner and handed over the documents to fifth respondent. Believing the same, the fifth respondent signed the same. Now, alleging that the rental agreement and sale agreement are forged is nothing but the handy work of the petitioner to somehow throw away the fifth respondent from the property. The Advocate, who is behind the petitioner is a close relative, who, beyond rendering professional advice, is indulging in all these illegal designs. Whenever the fifth respondent is ready to pay balance amount and get the sale deed registered, the petitioner was coming up with one reason or other avoiding the execution of the sale deed. Hence, the fifth respondent was compelled to file a suit for specific <https://www.mhc.tn.gov.in/judis/> performance in CS.No.212 of 2017. Thereafter, by order 30.07.2018 this Court passed an exparte decree.

19.According to the fifth respondent, on 01.03.2019, the petitioner made an attempt to dispossess him from the said property with the aid of muscle man. The fifth respondent lodged a complaint before the Muthuylapet, Police Station and also before the Deputy Commissioner of Police, B1 North Police Station. The Deputy Commissioner of Police conducted enquiry and thereafter, a compromise arrived between them. As per the compromise, the petitioner agreed to receive Rs.25 Lakhs, after

deducting a sum of Rs.4 Lakhs for rent and the balance amount of Rs.21 Lakhs was to be paid in part. An amount of Rs.3 Lakhs paid on 09.03.2019 and the fifth respondent agreed to pay the balance amount of Rs.18 Lakhs. The written agreement was entered between them and a copy produced. To circumvent the same and to avoid the payment of balance amount as per the agreement, the petitioner, managed to lodge a false complaint against the fifth respondent.

20.The fifth respondent filed a suit in OS.No.1385 of 2019, seeking protection and not to vacate him from the premises, except under due <https://www.mhc.tn.gov.in/judis/> process of law. The fifth respondent was only dealing with the property and all agreement documents, Tenancy agreement and Sale agreement were prepared by the petitioner. Hence, the fifth respondent was not aware about the details of the other co-owners and demise of two of them. In fact, the details of the co-owners were never disclosed to the fifth respondent, till the time of handing over the sale agreement, without the signature of the co-owners and others.

21.The petitioner herein lodged a complaint before the Commissioner of Police on 06.01.2020 against the fifth respondent, based on which, an enquiry was conducted and he was forced to vacate the premises. On apprehension of arrest by the Central Crime Branch, the fifth respondent moved anticipatory bail application before the Sessions Court in Crl.M.P.No.872 of 2020 and Crl.M.P.No.3747 of 2020 and both the petitions were dismissed. Thereafter, the CCB registered a case in Crime No.68 of 2020. The fifth respondent filed another anticipatory bail application before this Court in Crl.O.P.No.4804 of 2020 and the same was dismissed. Thereafter, he filed Crl.O.P.No.1231 of 2020, seeking quashing of Crime No.68 of 2020 and this Court dismissed the same and directed the CCB police to complete the investigation within a period of sixteen weeks. <https://www.mhc.tn.gov.in/judis/>

22.On 21.11.2020, the petitioner's son along with his Advocates and some Goondas had trespassed into the seventh respondent's premises. They were accommodated by one Arun who threatened the seventh respondent to vacate the place and they forcibly chased away the seventh respondent. Thereafter, a complaint was lodged and CSR.No.72 of 2021 dated 20.11.2012 was issued, but no action was taken thereof. The atrocities of Arun, his Advocate and others are clearly captured in the CCTV camera installed in the said property. The padlock in the gate was opened by using a welding machine and cutting machine. Thereafter, the said Arun opened the padlock and took possession of property by force. During the enquiry by the Muthayalpet Police, the Advocates, who engaged by the petitioner's son, admitted the fact that attempts were made to take forcible possession of the property.

23.Further, the petitioner manipulated the records and taking advantage of the absence of the fifth respondent obtained an order of Status Quo in O.S.No.4150 of 2020 from the XIII-Assistant City Civil Court. They had also got police protection in W.M.P.No.2844 of 2021 from this Court, by order dated 08.02.2021.

<https://www.mhc.tn.gov.in/judis/>

24.Further, the fifth respondent submits that in the said property three cars viz., Wagoner bearing Registration No.TN-04-AW-7855, Honda City bearing Registration No.TN-04- AX-1919 and Mahindra Xylo bearing Registration No.TN-04-AM-2915 and one Motorbike are still available besides some textile materials worth about Rs.50 Lakhs were also stored in the premises. After obtaining police protection order on 08.02.2021, on the next day 09.02.2021, the petitioner's son along with the henchmen, broke open the said property, removed CCTV camera fixed in the property, threatened one milk vendor, who is one of the sub lessee to the fifth respondent and chased him away.

25.The fifth respondent admits that the arrest was made for the forged documents, by the Central Crime Branch. The respondent/police has every right in the matter to proceed with investigation, in a manner known to law, but the registration of the case, does not give any right to the Investigating Officer to vacate the fifth respondent from the enjoyment and possession of the property. On 02.09.2020, the Inspector of Police, CCB entered into the office at No.6/4, Jaffer Syrang Street, Mannadi, Chennai, took all papers from the office, without any search warrant or arrest <https://www.mhc.tn.gov.in/judis/> warrant. Thereafter, the fifth respondent was taken to CCB for enquiry and he was forced to vacate the suit premises. Since the respondent failed to budge to their demand, the fifth respondent was arrested and he was produced before the Judicial Magistrate Court, on 03.09.2020.

26.Seizure of the documents from the fifth respondent's office shows that the fifth respondent was doing real estate business and other than that, nothing more. The fifth respondent constructed a room and godown for storing the textile materials for his textile business run in the name of AK Textiles and he got registration in GST. The CCTV recording available in the nearby place would clearly prove that it is the petitioner, who forcibly entered into the property and broke open the padlock and it is not the fifth respondent.

27.Further, the petitioner knowingly falsely projected the case before the XIII- Assistant City Civil Court and thereafter, filed an I.A.No.2 & 3 of 2020 in O.S.No.4150 of 2020 and obtained an order restraining the respondents 6 & 7, their men, agent, henchmen engaged by the fifth respondent from interfering with the peaceful possession and enjoyment of the property in any manner.

<https://www.mhc.tn.gov.in/judis/>

28.Further, Forensic Report with regard to the agreement of sale document dated 02.06.2014 and the expert opinion are yet to be received. Only thereafter, it can be confirmed whether the documents are forged or not. Even prior to that respondent police cannot come to any conclusion as though it is a forged document and forcibly remove the fifth respondent from the premises, which is illegal. The tenancy agreement is not disputed by the petitioner. It is seen that the petitioner, neither filed any petition for eviction nor sought any interim order from any competent Court. In view of the same, throwing away the fifth respondent by using the criminal case and seeking police protection is not proper. The fifth respondent filed a typed set of papers to show there is an agreement between the petitioner and the fifth respondent dated 09.03.2019. Even before that the fifth respondent agreed to vacate the premises, after receipt of the balance amount of Rs.18 Lakhs. Suppressing the

same, the petitioner had given a false complaint and obtained possession forcibly and now seeks police protection. Hence, he vehemently opposed the prayer in this writ petition.

29.The learned counsel for the sixth and seventh respondent submitted that sixth respondent is the wife of the fifth respondent and <https://www.mhc.tn.gov.in/judis/> seventh respondent is brother's son of the fifth respondent. After the fifth respondent's arrest by the CCB police on 02.09.2020, sixth and seventh respondent were carrying on the business of the rental car parking, textile business and other business in the said property and they were in continuous possession of the property. Using the above case as shield, the police forcibly chased away the respondents 6 and 7, inspite of their resistance. On 21.11.2020 at about 11.00 a.m., some persons claiming the name of the petitioner had come in black pant and white shirt, to their property, informed that the property is to be taken over, as per the eviction order passed by the Court, accordingly, attempted to take possession of the property and placed banners to that effect, when the same was questioned by them, they abused and also attempted to attack them.

30.The seventh respondent immediately called 100 emergency Police number, on seeing the police personnel, they left the place and thereafter complaint was lodged before to the third respondent/police, who assigned CSR.No.79 of 2020, but till date, no action taken. From the CSR status, in the police official website, it is seen that compromise has been effected and the case was closed, which is not true. The seventh respondent had never entered into any compromise. Further, a civil suit in <https://www.mhc.tn.gov.in/judis/> O.S.No.4150 of 2020 filed by the petitioner against the seventh respondent in which Status Quo was ordered. Further, on 09.02.2021, he had sent a representation to the third respondent, in which, he narrated the earlier incidents happened on 21.11.2020, but no action taken by the third respondent. Further, the respondent was in possession of the property. The petitioner's brother's son and others breaking open the padlock and forcibly entering into the same are mentioned, but no action taken.

31.The learned Government Advocate (crl.side) submitted that the investigation is under progress. The fifth respondent is a notorious person. Earlier rental agreement was entered with the petitioner and latter they created forged sale agreement in respect of the said property. Using the forged document fifth respondent filed civil suit before the High Court and in Civil Courts, thereafter, an exparte order obtained to fulfil his design. In the suit, the address of the petitioner's and others was given as No.4, Jaffer Syrang Street, Mannadi, Chennai, so that notice are sent to that address as well as Court summons thereby, ensuring, completion of service and obtained exparte order. A suit for specific performance filed before the High Court. Before the City Civil Court another suit, not to dispossess the fifth respondent from his peaceful possession was filed, on the ground that <https://www.mhc.tn.gov.in/judis/> the fifth respondent is a tenant under the petitioner. The fifth respondent is running a office behind the TASMACH shop at No.4, Jaffer Syrang Street, Mannadi, Chennai, which is conveniently used for all illegal activities. After the arrest and search of the fifth respondent office, incriminating materials, found and seized, which include Identity Cards issued in the name of the Registrar of the High Court of Madras. The photo identity cards shows the fifth respondent as a Judge of the Court, under Tamil Nadu Government besides several documents were seized, including photographs showing the fifth respondent with some Judges were found to be morphed. The fifth respondent projecting himself as advocate clerk in one place and in other place,

he projected himself as Judicial Officer or advocate. The fifth respondent indulged in real estate business, targeting the vulnerable land owners in cases where there is some dispute in the property, or the owners are far away, unable to take care of the property, by creating forged documents and filing suits against them, obtaining ex parte decreetal order, using these Court order to extract money or evict the owners forcibly. The fifth respondent is maintaining battery of advocates, muscle men, rowdy elements and is indulging in these illegal acts. By such acts, the fifth respondent successfully thrived in his profession for decades. He had even cheated the police department, by producing forged <https://www.mhc.tn.gov.in/judis/> demand drafts, which is pending. He was involved in a murder case and several other cases. Presently the following the cases are pending with CCB are hereunder:-

| S.No. | Crime No & Year | Sections  |
|-------|-----------------|---|
| 1.    | 76/2006         | 468, 471, 474, 476, 468, 471, 120b, 109 of IPC., CC Ban |
| 2.    | 68/2020         | 419, 420, 465, 467, 468, 471, 120b, 109 of IPC., CCB Do |

Apart from this, several complaints were received against the fifth respondent and enquiry is going on.

32.The fifth respondent is a threat and cancer to the society, who had already rotten the system. Taking advantage of the knowledge, knowing how the system works, he had created forged documents and obtained orders from the Court. He is a negative force, influenced several young advocates and led them to wrong path in the legal profession.

33.The status report of the fourth respondent states that on 21.11.2020 at about 7:30 a.m. the seventh respondent along with 30 others trespassed into the property of the petitioner and assaulted and abused them using filthy language, thereafter he broke open the door with the help <https://www.mhc.tn.gov.in/judis/> of hydraulic cutting machine. On receipt of emergency call, the police visited the place, received the recorded video footage and a case in Crime No.20 of 2021 was registered for the offence under Sections 147, 448, 294(b) and 506(ii) of IPC., The seventh respondent moved an anticipatory bail before the Sessions Court, Chennai in CrI.M.P.No.10758 of 2021 and the same was dismissed on 25.06.2021.

34.Further, it is submitted that as per the orders of this Court, the police personnel are deputed regularly for protection of the property and making routine check. The personnel are regularly keeping watch over the premises, by maintaining the beat book by the police till date. On verification of CCTV videos, it is seen that one Stephen Davidson among the group was identified in the scene of occurrence and 41(A) notice served on 03.10.2021. Thereafter, he filed a written statement that on the date of occurrence, he was passing the place, at that time, a group of advocates assembled and were shouting in the property, hence, he enquired and found eviction carried out by the advocates. The said Davidson confirmed the presence of the advocates there, who were in



agitated mood, moving around the place. The advocates assembled in the scene were photographed and photos and videos are to be sent to the Bar Council of <https://www.mhc.tn.gov.in/judis/> Tamil Nadu by the fourth respondent as well as to Crime Record Bureau to ascertain the antecedents and the involvement of the advocates, who indulged in forcible eviction, involving themselves in the civil disputes and by taking law into their hands, associating with rowdy elements and hooligans. To weed out unwanted, undesirable elements in the legal profession such steps are necessary. Thus, in this case, police are taking all efforts to identify the persons, collect data from the Bar Council so that no such incident occur in future.

35.The protection to the property by installing CCTV is necessary on the facts and circumstances of the case, further, the property is in possession of the petitioner. The respondents R5 to R7 have no right over the property, they have no locus to oppose this petition. The fifth respondent created forged documents, using the same obtained several orders from the Court, mislead the Court, further in a organized manner indulging in illegal eviction, encroachment, with battery of persons from the legal profession, mafia gang, police department and carry on his illegal profession. The sixth and seventh respondents are aiding and abetting him in such activities, cannot have any reason to object or oppose this petition. <https://www.mhc.tn.gov.in/judis/>

36.Considering the rival submissions and on perusal of the materials, this Court finds that the petitioner herein is the owner of the property situated in old door No.129 and new door No.98, Coral Merchant Street, (Pavalakara street), Mannadi, Chennai – 600001, comprised in T.S.No.2973, Block No.27, measuring to an extent of 2163 sq.ft.,. The fifth respondent is the accused in Crime No.68 of 2020, who admits that he had entered into a rental agreement with the petitioner on 15.12.2012 and later he became a defaulter. The petitioner had instructed the fifth respondent to vacate the premises, thereafter, only he came to know that the fifth respondent filed a Civil suit in C.S.No.212 of 2017 before this Court seeking execution of sale deed in his favour, based on the sale agreement deed dated 02.06.2014. Thereafter, it came to be light that yet another Civil suit in O.S.No.1385 of 2019, on the file of I-Assistant City Civil Court, Chennai, seeking permanent injunction was also filed. In C.S.No.212 of 2017, filed for specific performance, the address of the petitioner and other co-owners were given as No.4, Jaffar Syrang Street, Mannadi, Chennai. In the sale agreement this address has been given and in the Civil suit in O.S.No.1385 of 2019 the address of the petitioner is mentioned as Gudiyatham, Vellore District. Earlier, the fifth respondent has filed suit in O.S.No.457 of 2011, before the XII-Assistant Judge, <https://www.mhc.tn.gov.in/judis/> against one Shaik Noorudeen, in the suit, the defendant's address was shown as No.4, Jaffar Syrang Street, Mannadi, Chennai. In Judgment dated 17.11.2016 passed in the said suit, the relevant portion of paragraph Nos.33 to 36 are extracted hereunder:-

“33.The plaintiff claims to be the clerk of one Mr.Anandan, but when he produced the identity car during his cross-examination wherein, it is found that he is the clerk of Mr.A.M.Venkatakrishnan. The first defendant counsel has argued that the plaintiff claims to be an advocate the said fact has been disputed by the plaintiff but at the time of his cross-examination he has admitted that “ehd; vg;bghGJk; ePjpkd;wj;jpw;F tHf;fwp"u; rPUilapy; jhd; tUtJ tHf;fk;

vd;W brhd;dhy; rhp my;y/ Mdhy; jw;ngHJ rhl;rp tHf;fwp"u; rPUilapy; jhd;  
ePjpkd;wj;jpw;F te;Js;sjhf xg;g[f;bfhz;lhu;"

34.It is pertinent to mention the other suggestions put by the first defendant counsel  
to the PW.1 " ehd;

Twfpw uhn\$c&; Fkhu; vd;w tHf;fwp"u; ,e;j tHf;if jhf;fy; bra;atpy;iy vd;Wk;

|            |      |           |            |          |
|------------|------|-----------|------------|----------|
| ehdhf      | jhd; | nkHroahf  | tHf;fwp"u; | bgaiu    |
| Fwpg;gpl;L |      | tHf;Ffis  | jhf;fy;    | bra;     |
| tUfpnwd;   | vd;W | brhd;dhy; | rup        | my;y/    |
| tHf;Ffs;   |      | ,isauh\$h | vd;w       | tHf;fwp" |

<https://www.mhc.tn.gov.in/judis/> K:ykhfjhd; kD jhf;fy; bra;Js;nsd; vd;W brhd;dhy; rupjhd;/  
btt;ntW tHf;fwp"u;

bgauPy; tHf;Ffis jhf;fy; bra;jhYk; ,e;j tHf;fpy; jw;ngHJ M\$u; Mfpa[s;s tHf;fpw"u;

jhd; M\$uhfpwhh; vd;W brhd;dhy; rup my;;y/"

35.The plaintiff counsel has argued that the above said questions are unnecessary and irrelevant to  
decide the issue involved in this case. While deciding the issues raised in this case the character of  
parties are also played a vital role under section 9 of the Indian Evidence Act. The answers culled  
out from the mouth of PW.1 cannot be thrown-out as argued by the plaintiff.

36.After obtaining the exparte decree in favour of the plaintiff, surprisingly the entire bundle was  
found missing. With regard to missing of case records, enquiry was conducted by the Registrar  
General, High Court, Madras and filed his report in the CRP.No.1289/15, filed by the first  
defendant/Shaik Noorudeen. The relevant portions are extracted hereunder for the better  
appreciation of facts:

|                    |               |              |
|--------------------|---------------|--------------|
| " ,e;j             | tHf;fpy;      | cau;ePjpkd;w |
| jiyik              | gjpthsu;      | Kd;g[ 1k;    |
| gPujpthjpf;F       | miHg;ghiz     | rhu;g[       |
| bra;ag;gl;ljh      | vd;gijg;      | bghWj;J      |
| tprhuiz nkW;bfhz;L | mjpy; tprhui  |              |
| elj;jg;gl;L        | mth;          | rPuha;t[ kD  |
| vz;/1289/2015      | tHf;fpy;      | mwpf;if      |
| jhf;fy;            | bra;jhu; vd;W | brhd;dhy;    |

<https://www.mhc.tn.gov.in/judis/>

|              |           |             |     |
|--------------|-----------|-------------|-----|
| rupjhd;/     | me;j      | mwpf;ifapy; | 1k; |
| gPujpthjpf;F | miHg;ghid | vJt[k;      |     |

mDg;gltpy;iy vd;W Twpa[s;shu; vd;W  
brhd;dhy; mijg;gw;wp vdf;F  
bjupahJ/""

This would clearly expose the conduct and attitude of the fifth respondent's culpability. Further, the plaintiff/fifth respondent had committed fraud on this Court and obtained exparte decree. Challenging the Judgment and decree, the fifth respondent filed A.S.No.31 of 2017 before the III-Additional Judge, City Civil Court, Chennai. By Judgment dated 18.06.2018 the appellate Court dismissed the appeal by confirming the order dated 17.11.2016 passed in O.S.No.457 of 2011, by the XII – Assistant Judge, City Civil Court, Chennai. Thereafter, the fifth respondent filed Second Appeal in S.A.No.895 of 2018, before this Court, which was also dismissed on 03.01.2019.

37.Further, it is seen from the typed set of papers that the fifth respondent is using the address - No.4, Jaffer Syrang Street, Mannadi, Chennai, for communications in various suits and petitions filed by him, which are as follows:-

i) O.S.No.12898 of 2010; ii) Crl.O.P.No.8127 of 2019; iii) C.S.No.212 of 2012; iv) O.S.No.8566 of 2011; v) O.S.No.5222 of 2013;

<https://www.mhc.tn.gov.in/judis/>

vi) O.S.No.457 of 2011; vii) A.S.No.31 of 2017; viii) S.A.No.895 of 2018;

ix) O.S.No.4768 of 2018; x) O.S.No.4768 of 2018, and xi) O.S.No.3501 of 2008. In these cases, the petitioner's address was assigned to the defendant's, wherein the fifth respondent herein is the plaintiff. The respondent/ police had registered the above case, made search and seized several incriminating materials such as identity cards said to have been issued by the Registrar General, of this Court, designating himself as Judicial officer, which cannot be dealt with lightly.

38.Further, the above facts clearly expose as to how the fifth respondent projected himself as Advocate Clerk, Advocate and Judicial Officer by creating forged documents and by using the address i.e., No.4, Jaffer Syrang Street, Mannadi, Chennai. He was also using the said address for running real estate broker business. He is also sending Court notices and thereafter, filing Civil cases before the Court below and this Court. After obtaining exparte order, using the same, he threatened the real owners and occupants to extract money, thereby making the justice delivery system a mockery. He has been carrying on all these activities in a well planned manner with the aid of battery of persons including legal professionals, muscle men and others to execute his deeds.  
<https://www.mhc.tn.gov.in/judis/>

39.The sixth respondent is the wife and seventh respondent is the brother's son of the fifth respondent, through them, he had attempted to encroach upon the property and take away the possession of the petitioner even when the fifth respondent was in prison. This would show how powerful a person he is, and able to execute such things, even, while in prison. Later for the act of the seventh respondent, a case has been registered and investigation is under progress. In view of

the above, this Court feels that it is absolutely necessary to provide police protection to the petitioner's life and property, situated in old door No.129 and new door No.98, Coral Merchant Street, (Pavalakara street), Mannadi, Chennai – 600001, comprised in T.S.No.2973, Block No.27, measuring to an extent of 2163 sq.ft.,.

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 <https://www.mhc.tn.gov.in/judis/> 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.

43.With the above observations and directions, the Writ Petition is allowed. No costs. Consequently, the Writ Miscellaneous Petitions in <https://www.mhc.tn.gov.in/judis/> W.M.P.No.4682 of 2021, W.M.P.No.14539 of 2021 and W.M.P.No.13630 of 2021, filed by the respondents side are dismissed and W.M.P.No.2844 of 2021 is closed.

17.08.2021 Index: Yes/No Internet: Yes/No Speaking/Non-Speaking Order klt To

- 1.The Commissioner of Police, (by name) EVK Sampath Road, Vepery, Chennai – 7.
- 2.The Deputy Commissioner of Police, CCB, Chennai.
- 3.The Joint Commissioner of Police, T H Road, Tondiarpet, Chennai – 81.
- 4.The Deputy Commissioner of Police, Flower Bazaar Police Station, Chennai – 1.
- 5.The Inspector of Police, N-3, Muthaiyalpet Police Station, Broadway, Chennai – 1.
- 6.The Public Prosecutor, High Court, Madras.

M.NIRMAL KUMAR, J.

klt <https://www.mhc.tn.gov.in/judis/> and and W.M.P.Nos.4682, 13630 & 14539 of 2021 17.08.2021  
<https://www.mhc.tn.gov.in/judis/>