

W.P No.2517 of 2021

and

WMP No.2844 of 2021

Petitioner : Mr.P.S.Kirubakaran

**Respondents: The Commissioner of Police, Vepery,
Chennai-7 and others.**

N.ANAND VENKATESH,J

Learned 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 Application No.944 of 2020 dated 01.10.2020. This Court, after taking into consideration the fraud committed by the 5th respondent, has initiated proceedings 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

against the 5th respondent and others for the offences under Sections 419, 420, 465, 467, 468, 471, 120B and 109 IPC. An anticipatory bail petition came to be filed before this Court in CrI.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 respondent was thereafter 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 detained. But, however, it looks like he is able to instigate others to act on his behalf and on his investigation, 6th and 7th respondents herein along with certain persons calling themselves as Advocates, seems to have made an attempt to break open the lock in the property and take forcible possession of the same. The petitioner immediately gave a complaint in this regard and since no FIR was registered, he approached the XVI Metropolitan Magistrate's Court, George Town by filing 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 injunction order was passed against the respondents 5 to 7 herein.

6. In spite of the above orders, the threat exerted by the respondents 5 to 7 continues and it is informed that everyday, a group of persons come to the subject property and create law and order problem. It is reported that some of the advocates also form part of this unlawful assembly. Due to the presence 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 attempts 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 period, 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 above, 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 given to this Court by way of a report by the 4th respondent. The 4th respondent shall carefully 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 be 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.

9. Notice to the respondents 5 to 7 returnable by 02.03.2021.

Private Notice is also permitted.

10. Post this case under the caption "For orders" on 02.03.2021
at 2.15 p.m.

08.02.2021

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Note: Issue order copy on 08.02.2021

N.ANAND VENKATESH,J

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