



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 2115 of 2026

Imtiaz Ahamed
S/o. Ahamed,
No.27/9, 1st Floor, Magdooom Sherif Street,
Periamet, Park Town,
Chennai-600 003.

..Petitioner

Vs

1. The State Rep. by, The Joint Commissioner of Police
East Zone,
Egmore, Chennai-600008.
2. The Inspector of Police
G-1, Vepery Law and Order Police Station,
Vepery, Chennai-600007.

..Respondents

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order dt.24.07.2026 passed by the 1st Respondent and quash the same and direct the 1st Respondent to reduce or quash the exorbitant Bandobust charges and consequently provide necessary police protection for execution of the warrant issued in E.P.No.1027 of 2025 in DA.No.5 of 2025 on the file of the learned Registrar Court of Small Causes, Chennai without insisting upon such charges and thus render justice.



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For Petitioner:

Mr.M.Pragadeeswaran

For Respondents:

Mr.S.Yogaraja Sekar

Counsel for Government of Tamil Nadu
(Crl.Side)**ORDER**

This Writ Petition has been filed challenging the order dated 24.07.2026 passed by the 1st Respondent and to quash the same and direct the 1st Respondent to reduce or quash the exorbitant Bandobust charges and consequently provide necessary police protection for execution of the warrant issued in E.P.No.1027 of 2025 in DA.No.5 of 2025 on the file of the learned Registrar Court of Small Causes, Chennai without insisting upon such charges.

2. Invoking Section 53 of the Presidency Small Cause Court Act, 1882 a distress warrant had been issued by the Registrar, Court of Small Causes Court, Chennai on 15.07.2025. The Petitioner filed an Execution Petition in E.P.No.1027 of 2025 to execute the same. Thereafter, the Joint Commissioner, East Zone, Egmore called upon the petitioner to remit the sum of Rs.58,327/- for the purpose of granting police protection. Hence the present Writ Petition.

3. Heard Mr.M.Pragadeeswaran for the petitioner and Mr.S.Yogaraja Sekar for the respondents.



4. It is the duty of the Executive including the police in terms of Article 261 of Constitution of India, to give full faith and credit to the orders of the civil Court and if necessary, give necessary protection for the purpose of its implementation. To demand money from the decree holder for the purpose of getting the decree executed, adds insult to injury. Further, it has been settled by a Division Bench of this Court that the civil Court is vested with necessary powers to order police protection [See, Sri La Sri Sivasubramanyananda Swami Vs. Sri-la-Sri Arunachalasamy Chidambaram and another, 1993(1) MLJ 274]. The Joint Commissioner had not referred to the relevant orders passed by the Government directing the police to implicitly implement the orders passed by the civil Court. As long as the order passed by the civil Court is not set aside or stayed, it is the duty of the police to afford protection to have the same implemented. For performance of one's constitutional duty, the police cannot levy charges.

5. In view of the same, the order impugned herein is set aside. There shall be a direction to the respondent police to forthwith provide protection, upon production of the order or warrant issued by the Registrar, Small Causes Court, Chennai.



Accordingly, this Writ Petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Joint Commissioner of Police
East Zone,
Egmore, Chennai-600008.
2. The Inspector of Police
G-1, Vepery Law and Order Police Station,
Vepery, Chennai-600007.



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V.LAKSHMINARAYANAN, J.

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