



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.09.2016
CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.10637 of 2016

WEB COPY

M.Ariyamala

... Petitioner

-vs-

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Thiruppananthal Police Station,
Thiruppananthal,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to provide necessary adequate police protection to the petitioner for enjoying the possession of the properties on extent of 1 Acre 15 Cents bearing Re-Survey Nos. in 253/1 and 253/3 at by considering the possession was delivered to the petitioner on 04.05.2015 vide order passed by the learned District Munsif Court, Kumbakonam in E.P.No.465 of 2007 in O.S.No.369 of 1994.

For Petitioner : Mr.R.Pandi Maharaja
For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to provide necessary adequate police protection to the petitioner for enjoying the possession of the properties in Re.S.Nos.253/1 and 253/3 situated at Thirulogi Village in Thiruvidadaimarudhur Taluk of Thanajvur District by considering the delivery of possession taken in E.P.No.465 of 2007 in O.S.No.369 of 1994.

2. According to the petitioner, she is the absolute owner of the property to an extent of 1.15 acres in Re.S.Nos.253/1 and 253/3 situated at Thirulogi Village in Thiruvidadaimarudhur Taluk of Thanajvur District. She instituted a suit in O.S.No.369 of 1994 against one Loganathan and Balaiah for declaration and recovery of possession. After contest, the suit was decreed on 11.10.2002. Aggrieved over the judgment and decree, the defendants preferred an appeal before the Subordinate Court, Kumbakonam in A.S.No.167 of 2002. The appeal was dismissed on merits on 09.09.2008, which is also confirmed by this Court in S.A.(MD)No.738 of 2009 on 16.09.2014.



3. The petitioner would further state that based on the decree, she filed an execution petition in E.P.No.465 of 2007 and the delivery was effected on 04.05.2015. Subsequently both the defendants in the earlier suit attempted to disturb her possession and enjoyment of the property. So, she preferred a representation to the second respondent on 08.03.2016. Since the second respondent did not take any action, the petitioner sent a representation to the first respondent and the second respondent on 22.04.2016. Since, no action was taken, the petitioner has come up with this present Writ Petition.

4. The learned Government Advocate (Crl.Side) would submit that one Manikandan has now filed a suit in respect of the same property in O.S.No.246 of 2015 and the second respondent is ready to consider the representation of the petitioner and take necessary action.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner dated 22.04.2016, taking into account the decree passed by the civil Court in favour of the petitioner and pass orders within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police, Thanjavur District, Thanjavur.
- 2.The Inspector of Police, Thiruppananthal Police Station,
Thiruppananthal, Thanjavur District.

+1 CC to M/s.R.PANDI, Advocate, SR No.56296

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.55861

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