

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.21435 of 2017

Chinnasamy

... Petitioner

Vs

1. The State Rep. by
The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The State Rep. by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents to give police protection based on the petitioner complaint dated 20.06.2016 while measuring the land in Survey No.917/2B, to an extent of 0.64 cents situated at Ernahalli Village, Palacode Taluk, Dharmapuri District and laying of fencing with the help of VAO and Surveyor.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.D.Vairamoorthy
Special Government Pleader

ORDER

By consent of both the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner claim to be the owner of the comprised property in Survey No.917/2B, to an extent of 0.64 cents situated at Ernahalli Village, Palacode Taluk, Dharmapuri District.

3. According to the petitioner, the neighbouring land owners have been creating trouble to the petitioner by claiming

rights over the said property and he filed a suit in O.S.No.166 of 2005 seeking for declaration of title over the said property and for consequential permanent injunction. By judgment and decree dated 15.02.2011, the suit came to be decreed in favour of the petitioner. According to the petitioner, the defendants have not filed any appeal as against the same.

4. In this background, the petitioner had given a representation to the first respondent seeking for police protection for the purpose of measuring his land and fencing. Since, the first respondent had not taken any action on his complaint, the present writ petition has been filed by the petitioner.

5. Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.D.Vairamoorthy, learned Special Government Pleader for the respondents.

6. It is needless to point out that whenever the petitioner's right is safeguarded by a judgment and decree of Civil Court, the respondent police are bound to extend protection for the purpose of effectively implementing the Civil Court's order. In the present case, the petitioner has obtained a decree of permanent injunction and declaration of title over the suit property, as such, the respondent cannot keep the petitioner's request for police protection pending indefinitely.

7. In this background, the petitioner is granted liberty to make a fresh representation to the second respondent seeking for police protection, on receipt of such representation, the second respondent shall consider the same by taking into account the judgment and decree passed in O.S.No.166 of 2005 and the observations made in this order. It is needless to point out that the second respondent is at liberty to enquire into whether or not the order passed in O.S.No.166 of 2005 has been stayed by way of appeal.

8. With the above observations, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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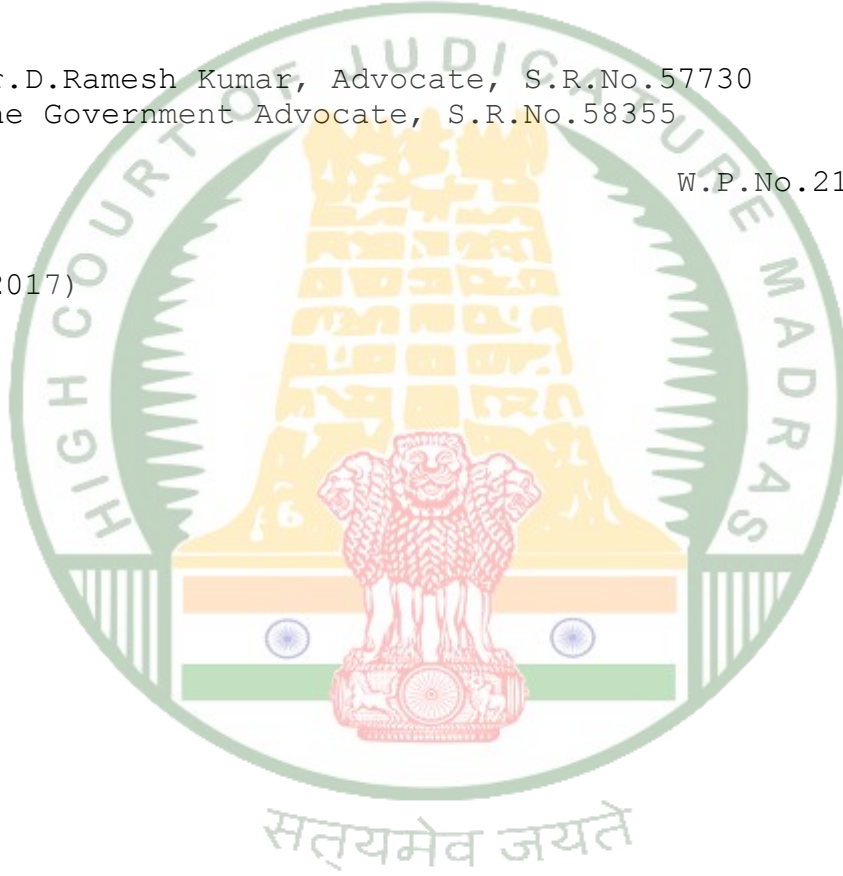
To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Ramesh Kumar, Advocate, S.R.No.57730
+1cc to the Government Advocate, S.R.No.58355

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CS V
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