

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.12996 of 2017

S.Munusamy

.. Petitioner

Vs

1. The Secretary to Government,
Home Department, Secretariat,
Chennai - 09.

2. The Commissioner of Police,
Chennai Metro City, Vepery,
Chennai - 07.

3. The Inspector of Police,
Tiruverkadu Police Station,
Chennai - 77.

4. D.Kowsalya

5. D.Lakshmi

6. Dharman

7. D.Velayutham

8. S.Ranganayaki

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1 to 3rd respondent to consider the petitioner's representation dated 08.05.2017 and consequently direct the 1 to 3rd respondents to provide the protection to the petitioner against the 4th to 8th respondents.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.N.Sakthivel,
Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal.

2.The petitioner claims to be the owner of the property ad-measuring to an extent of 6 cents in S.No.56/6 situated at Mathiravedu, Chennai. The grievance expressed by the petitioner is that the respondents 4 to 8, who are the neighbours, made an attempt to encroach upon the said property. It is further stated by the petitioner that the 8th respondent herein filed original suits in O.S.No.359/1995, 290/2002, 108/2002 and 58/2001 for declaration and for permanent injunction before the learned Principal District Munsif Court, Poonamallee. However, by a common judgment and decree dated 29.12.2009, the learned Principal District Munsif, Poonamallee, dismissed the above said suits. Aggrieved over the same, the 8th respondent has filed appeals before the Sub Court Poonamallee in A.S.Nos.19, 22, 23 and 24 of 2010 and the learned Subordinate Judge, Poonamallee by a common judgment and decree dated 29.07.2011 dismissed the appeals. As against the same, the 8th respondent filed second appeal before this Court and the same was dismissed as withdrawn in S.R. Stage. It is further stated by the petitioner that the fourth respondent, taking advantage of the fact that being a practicing advocate, through an illegal manner, decided to foist a false case and also attempt to murder the family members of the petitioner. Hence, the petitioner made a representation dated 08.05.2017 to the respondents requesting to take action against the respondents 4 to 8 and also provide police protection to him and also his family members. Since no response is forthcoming, the petitioner has come forward to file this writ petition.

3.The learned counsel appearing for the petitioner submitted that though the suits filed by the respondents 4 to 8 seeking declaration and permanent injunction in respect of the property belonging to the petitioner were dismissed and the subsequent appeals filed by them were also dismissed, they are continuously giving trouble to the petitioner and hence, the petitioner requested the respondent police to give police protection to him and his family.

4.On the above submissions, I have heard also the learned Government Advocate and perused the entire materials available on record.

5.Considering the submissions made by the learned counsel on either side and also the facts and circumstances of the case, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 08.05.2017 and pass

appropriate orders with regard to providing police protection, on merits and in accordance with law, after providing due opportunity of hearing to the petitioner as well as the respondents 4 to 8, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The Secretary,
Government of Tamil Nadu,
Home Department, Secretariat,
Chennai - 09.
2. The Commissioner of Police,
Chennai Metro City, Vepery,
Chennai - 07.
3. The Inspector of Police,
Tiruverkadu Police Station,
Chennai - 77.

+1cc to M/s.T.V.G.Kartheeban, Advocate, S.R.No.37736
+1cc to the Government Pleader, S.R.No.37822

NR(CO)
CS/05/06/17

W.P.No.12996 of 2017

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