

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No. 16566 of 2017

K.Pattammal

..Petitioner

-Vs-

1. M.Yogalakshmi
2. The Inspector of Police,
K-8, Police Station, Arumbakkam, Chennai-106.
3. The Commissioner of Police, Greater Chennai,
Chennai - 600 008.
4. The Director General of Police,
Kamarajar Salai, Chennai - 600 004. ..Respondent

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 2 to 4 herein to provide police protection to the Advocate Commissioner, Mr.Pawan Kumar Dhanuka appointed by the IX Assistant City Civil Court, Chennai in E.A.No.8823 of 2009 in E.P.No.437 of 2008 in O.S.No.8989 of 1993 for executing the warrant of commission issued to him by the aforesaid Court vide order dated 18.02.2016 to remove the encroachment of an extent of 204 sq.ft. in the petitioner's property bearing Plot No.1, Old Door No.38, New No.44-B, Gandhi Road, Jagannadha Nagar, Arumbakkam, Chennai - 600 106.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents 2 to 4 : Mr.D.Vairamoorthy
Special Government Pleader

O R D E R

By the Court order dated 18.02.2016, passed in E.A.No.8823 of 2009 in E.P.No.437 of 2008 in O.S.No.8989 of 1993, on the file of the learned IX Assistant Judge, City Civil Court, Chennai one Mr.R.Pawan Kumar Dhanuka was appointed as Advocate Commissioner for the purpose of removing encroachment in the property bearing plot No.1, Jagannadha Nagar, Gandhi Street, Arumbakkam, Chennai - 106.

2. In this connection, the learned Advocate Commissioner had filed petition before this Court seeking for police protection for the purpose of execution of the warrant dated 18.02.2016.

The learned IX Assistant Judge, City Civil Court, Chennai, by an order dated 14.11.2016, directed the second respondent herein to extend police protection for the purpose of executing the warrant. In this connection, when the learned Advocate Commissioner approached the second respondent on 06.02.2017, the police assistance was not given to him. Hence, the present petition has been filed invoking Article 226 of the Constitution of India.

3. When there is an order of the Civil Court directing that protection to be extended to the Advocate Commissioner, the second respondent is bound by such an order for the purpose of effectively implementing the Civil Court's order. Hence, there shall be a direction to the second respondent to extend necessary police protection to Mr.R.Pawan Kumar Dhanuka, Advocate Commissioner for the purpose of executing the warrant dated 18.02.2016. The learned Advocate Commissioner is granted liberty to approach the second respondent once again with the representation seeking for police protection by enclosing a copy of this order. On receipt of such representation, the second respondent shall extend necessary police protection, which shall be compiled with, within two days from the date of receipt of a copy of that application.

With the above observation, the writ petition stands allowed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

pvs

To

1. The Inspector of Police,
K-8, Police Station, Arumbakkam, Chennai-106.
2. The Commissioner of Police, Greater Chennai,
Chennai - 600 008.
3. The Director General of Police,
Kamarajar Salai, Chennai - 600 004.

+ 1 cc to M/s.S.Balaji, Advocate,SR.61358
+ 1 cc to The Govt.Pleader, SR.61647

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NR 08/09/2017