



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

WEB COPY

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.744 of 2017

and

WMP (MD) No.603 of 2017

G.Sethu

... Petitioner

-vs-

1. The Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Usilampatty, Madurai District.
3. The Inspector of Police,
Usilampatti Taluk Police Station (L&O),
Madurai District.

4. M.Pandi

... Respondents

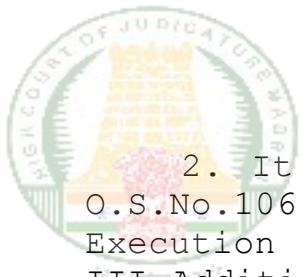
(R4 impleaded vide order dated 21.03.2017) Passed in WMP (MD) No.1816 of 2017.

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to execute the warrant and secure the accused in D.No.2015 of 2016 dated 23.08.2016 on the file of the III Additional Sub-Judge, Madurai (Usilampatty Camp Court) and secure the person.

For Petitioner : Mr.C.Senthil Murugan
For R1 to R3 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader
For R4 : Mr.N.Mohideen Basha
For Mr.B.Vinoth Balan

O R D E R

This writ petition has been filed for a direction to the respondents to execute the warrant and secure the accused in D.No.2015 of 2016 dated 23.08.2016 on the file of the III Additional Sub-Judge, Madurai (Usilampatty Camp Court) and secure the person.



2. It is seen that this petitioner had obtained a decree in O.S.No.1067 of 2012 against Pandi / R4 and thereafter, initiated Execution Proceedings under Order 21 C.P.C., before the learned III Additional Sub-Judge, Madurai (Usilampatty Camp Court), who is said to have issued a Civil Arrest Warrant in D.No.2015 of 2016 dated 23.08.2016 for securing Pandi. Therefore, the petitioner has filed the present writ petition for direction to the respondent police to execute the Civil Arrest Warrant.

3. Today, Mrs.M.Devamatha, the Inspector of Police, All Women Police Station, Usilampatti In-charge of Inspector of Police, Usilampatty Town Circle Police Station (L&O), Madurai District has filed a status report, wherein in Paragraph No.2, it is stated as follows:

"2. It is submitted that this is Civil Arrest Warrant issued by III Additional Sub-Judge, Madurai (Usilampatti Camp) dated 23.08.2016 regarding Civil case in E.A.No.2/2016 in E.P.No.6 of 2014 in O.S.No.1067/2012 Civil Arrest ordered. On 12.09.2016 Bailiff Thiru.M.Mareeswaran (JM.1) went along with Usilampatti Taluk SSI, Mr.Ayyar to execute the arrest warrant. At that time, the respondent/defendant Mr.Pandi, S/o.Mokkasamy, Ariyapatti, Usilampatti Taluk, Madurai District was absconding again on 01.02.2017 Bailiff through M.Mareeswaran went along with Usilampatti Taluk SSI Mr.Ayyar to execute the arrest warrant at that time the door was locked. After that the Bailiff never approached the police to execute the civil arrest warrant. We are always ready to assist the Bailiff to execute the warrant and to arrest him."

4. The Police have clearly stated that they are ready and willing to execute the Civil Arrest Warrant, if the Bailiff seeks aid for executing the warrant.

5. Recording the submission, this petition is closed with liberty to the parties to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To:

1. The Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
Usilampatty, Madurai District.
3. The Inspector of Police,
Usilampatti Taluk Police Station (L&O),
Madurai District.

+1cc to Mr.C.Senthil Murugan, Advocate Sr.No.16408
+2cc to Mr.B.Vinoth Balan, Advocate Sr.No.16403 & 16714
+1cc to Spl.Government Pleader Sr.No.16644

AR

VB/JC/SAR3/13.02.2017/3P/8C

W.P. (MD) No.744 of 2017
21.03.2017