



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.12594 of 2018
and WMP.No.14750 of 2018

P.Chitthan

...Petitioner

Vs.

1. The Superintendent of Police,
Salem District,
Salem.
2. The Deputy Superintendent of Police,
Salem District,
Salem.
3. The Inspector of Police,
Omalur Police Station,
Salem District.

....Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the 3rd respondent herein to consider the petitioner's representation dated 05.05.2018 within the stipulated time as fixed by this Court.

For Petitioner : Mr.M.Prabakar
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ petition has been filed to direct the 3rd respondent herein to consider the petitioner's representation dated 05.05.2018 within the stipulated time as fixed by this Court.

2. It is seen from the records that the petitioner has filed a suit in O.S.No.419 of 2012 seeking for the relief of declaration against the sale agreement dated 15.06.2011 as null and void and also for the relief of permanent injunction.



3. The District Munsiff Court, Omalur by Judgment and decree dated 14.07.2017 decreed the suit as prayed for.

4. The petitioner has thereafter given a complaint to the respondent police to take action against the defendants, who is preventing the petitioner from enjoying of the property. Since no action was taken, the present writ petition has been filed before this Court.

5. This Court is of the considered view that the petitioner has to file an execution petition before the Concerned Court under order 21 rule 32 C.P.C., against the defendants, if defendants are violating the judgment and decree passed by the Competent Civil Court. The petitioner cannot approach this Court, directly seeking for the relief of police protection.

6. In the result , this Writ Petition is disposed of, by giving liberty to the petitioner to work out his remedy before the execution Court as indicated herein above. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Deputy Superintendent of Police,
Salem District, Salem.
3. The Inspector of Police,
Omalur Police Station,
Salem District.
4. The Public Prosecutor
High Court, Madras.

+2cc to Mr.M.Prabakar, Advocate, S.R.No. 87735

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KJI (CO)
GN(21/01/2019)