

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018
CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28343 of 2017

P.G.Krishnaiah

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallur, Thiruvallur District-602 001.

2. The Inspector of Police,
E-3, Minjur Police Station,
Chennai-600 203.

3. The Sub Inspector of Police,
E-3, Minjur Police Station,
Chennai - 600 203.

4. T.Govindan

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the 2nd and 3rd respondents to provide police aid or assistance for the subject mentioned property situate at No.144, Vallur Village, Comprised in Grama Natham Old S.No.6121 (Part) Land Tax Patta No.49, Gramma Nathan New S.No.1676/5, total extent of 823 sq.ft., (77 Square meter of vacant land) for proper implementation of the order of the learned District Munsif Ponneri made in I.A.No.728 of 2017 in O.S.No.110 of 2017.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.D.Raja, Additional Government Pleader
for RR1 to R3

Mr.G.Ilangovan for R4

ORDER

The prayer in the present petition is for a direction to the respondent police to extend police protection in the background of the interim injunction obtained in favour of the petitioner herein in I.A.No.728 of 2017 in O.S.No.110 of 2017, dated 09.10.2017. According to the learned counsel for the petitioner,

in view of the interim injunction granted by the Civil Court, the respondent police are duty bound to extend adequate protection to effectively implement the Civil Court's order.

2 Controverting the said arguments the learned counsel appearing for the fourth respondent submitted that the interim injunction is an ex-parte order and in the guise of interim injunction, the petitioner herein is attempting to encroach upon his property. The learned counsel further submitted that if an order of protection is granted to the petitioner, serious prejudice will be caused to him, in case, the petitioner puts up the compound wall in his property.

3 The learned Additional Government Pleader appearing for the first, second and third respondents, on the other hand, submitted that the subject property is classified as Grama Natham, in which, both the parties do not have any right. The learned Additional Government Pleader further submitted that in view of the dispute between the parties, it would be proper for the Civil Court to consider this aspect.

4 I have carefully considered the submissions made by the respective counsels. In view of the submissions made by both the counsels, claiming rights over the subject property, this Court exercising its power under Section 482 Cr.P.C., cannot determine the rights between the parties. Though the petitioner has the benefit of interim injunction, it is opposed by the fourth respondent, on the ground that the order was an ex-parte order and that the petitioner is attempting to encroach upon his property. It is made clear that I have not expressed any of my views with regard to the rights of both the parties and the averments over the subject property. It would be pertinent to point out here whenever the Civil Court order is passed, the respondent police are duty bound to extend adequate protection in order to ensure that the interim injunction order of the Civil Court is duly implemented in its spirits. However, the same is subject to various factual aspects on the rights of the parties, opposing the interim injunction.

5 In the result, the petitioner is granted liberty to move appropriate petition seeking for necessary police protection before the concerned District Munsif, Ponneri, before whom the suit in O.S.No.110 of 2017, is said to be pending, and on receipt of such petition, the learned District Munsif shall endeavour to dispose of the same within a period of six weeks from the date of receipt of such petition. Since the learned Additional Government Pleader represents that the land has been classified as Grama Nathan, it would be appropriate that the Government is also made as party respondent/defendent in the said Civil proceedings, for which the parties may take

necessary steps to have them impleaded as a party.

6 Accordingly, the writ petition is closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Thiruvallur, Thiruvallur District-602 001.
2. The Inspector of Police,
E-3, Minjur Police Station,
Chennai-600 203.
3. The Sub Inspector of Police,
E-3, Minjur Police Station,
Chennai - 600 203.

+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.3486

+1cc to Mr.G.Ilangovan, Advocate, S.R.No.3718

+1cc to the Government Pleader, S.R.No.3678

RRK(30/01/2018)

W.P.No.28343 of 2017

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