

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.14043 of 2018

A. Singariyammal

... Petitioner

Vs.

1. The State,
rep. by the Commissioner of Police,
Commissioner's Office,
Vepery, Chennai - 600 007.
2. The Joint Commissioner of Police (North Zone)
Old Police Commissioner's Office,
Egmore, Chennai - 600 008.
3. The Deputy Commissioner of Police,
Madavaram Range,
Chennai.
4. The Assistant Commissioner of Police,
Ramakrishna Nagar,
Ernovoor, Chennai - 600 057.
5. The Inspector of Police,
M-8 Police Station,
Sathangadu,
Chennai - 600 019.

6. S. Dhanalakshmi

7. T. Astalakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to repossess the property situated at No.12, Jothi Nagar, 1st Street, Thiruvottriyur, Chennai - 600 019 and provide police protection to enable the petitioner to raise construction.

For Petitioner: Mr.V.Lakshminarayanan
For R1 to R5 : Mrs.M.Prabhavathi
Addl. Public Prosecutor
For R6 & R7 : Mr.S.B.Murugan

O R D E R

This petition has been filed seeking a direction to the respondents 1 to 5 to repossess the property situated at No.12, Jothi Nagar, 1st Street, Thiruvottriyur, Chennai - 600 019 and provide police protection to enable the petitioner to raise construction.

2. The petitioner is the owner of the property in question and the property was let out to one N.Vijayakumar. The petitioner filed RCOP No. 6 of 2015 for eviction and during the pendency of the case, N.Vijayakumar died and the respondents Nos.6 and 7 were included as parties. The petitioner filed E.P.No. 28 of 2017, in which, delivery was ordered on 04.12.2017. As the premises was locked, a petition for police protection was filed and after getting Court orders, first, possession was taken with police aid on 09.03.2018. Thereafter, the

property was demolished. While so, the respondents 6 and 7 trespassed into the property and are preventing the petitioner from putting up any construction. Hence, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the State and the learned counsel for respondents 6 and 7.

4. The learned counsel for respondents 6 and 7 submitted that N.Vijayakumar was contesting RCOP No. 6 of 2015 and after his death, no notice was received by respondents 6 and 7 in RCOP No. 6 of 2015. He therefore submitted that respondents 6 and 7 can be evicted only in the manner known to law.

5. However, learned Additional Public Prosecutor submitted that, with the police aid provided by the Rent Controller, possession was taken on 09.03.2018 and after the building was half demolished, respondents 6 and 7 trespassed into the property, pursuant to which, a case in Crime No.145 of 2018 has been registered on 23.02.2018 under Sections 147, 448, 427, 294 (b) and 506(i) IPC against them. In view of the above developments, this Court directs the respondent police to give sufficient police protection to the petitioner and remove respondents 6 and 7 from the property of the petitioner.

6. Accordingly, this petition is ordered. No costs.

Sd/-

Assistant Registrar(CS VII))

//True Copy//

Sub Assistant Registrar

gms/mkn

To

1. The Commissioner of Police,
Commissioner's Office,
Vepery, Chennai - 600 007.
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Old Police Commissioner's Office,
Egmore, Chennai - 600 008.
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5. The Inspector of Police,
M-8 Police Station,
Sathangadu, Chennai - 600 019.
6. The Public Prosecutor
High Court, Madras

+1cc to Mr.S.B.Murugan, Advocate SR.NO.55500

VD(CO)

sm:3.9.2018

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