

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29960 of 2018

H.Devanathan

...Petitioner

-Vs-

- 1.The Commissioner of Police,
Commissioner Office Vepery,
Chennai.
- 2.The Deputy Commissioner of Police,
Anna Nagar District,
Chennai - 600 040.
- 3.The Assistant Commissioner of Police,
Anna Nagar Circle,
Thirumangalam Range,
Chennai - 600 101.
- 4.The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar,
Chennai - 600 101.

5.V.Loganathan

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus or directing the 4th Respondent to provide necessary police protection to the petitioner and to carry peaceful business in Hotel Bhukara situated at Door No.29, TNHB Shopping Complex, 7th Avenue Mogappair Road, Anna Nagar, Chennai - 600 101.

For Petitioner : Mr.C.Shankar

For R1 to R4 : Mr.C.Raghavan

Government Advocate (Cr1.side)

ORDER

This Writ Petition has been filed seeking police protection to the petitioner and to carry peaceful business in Hotel Bhukara situated at Door No.29, TNHB Shopping Complex, 7th

Avenue Mogappair Road, Anna Nagar, Chennai - 600 101.

2. It is seen from the records that the petitioner has already obtained an order before this Court in O.A.No.1267 of 2017, dated 22.12.2017 wherein this Court had granted an order of interim injunction against the 5th respondent restraining him from interfering with the possession of the petitioner. Subsequently, this O.A.No.1267 of 2017 has been disposed of.

3. According to the learned counsel for the petitioner, inspite of the order of injunction passed by this Court, the 5th respondent is preventing the petitioner from conducting the Hotel Business and the same amounts to violation of the orders passed by this Court. Therefore, the petitioner has sought for police protection against the 5th respondent.

4. In the facts and circumstances, this Court is of the considered view that the petitioner has to file an appropriate application seeking for protection only before the Civil Court. Since the Civil Court has granted the order of injunction in favour of the petitioner. If the petitioner finds that the 5th respondent is violating the orders of the Court, it is also open to the petitioner to file an appropriate Contempt Petition against the 5th respondent. The petitioner cannot independently maintain an application seeking for police protection before this Court and the police cannot act in favour of any party, without there being a specific order passed by the competent Court.

5. This Writ Petition is disposed of with liberty to the petitioner to move an appropriate petition before the Civil Court and seek for an appropriate direction.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vsa
To

1.The Commissioner of Police,
Commissioner Office Vepery,
Chennai.

2.The Deputy Commissioner of Police,
Anna Nagar District,

Chennai - 600 040.

3.The Assistant Commissioner of Police,
Anna Nagar Circle,
Thirumangalam Range,
Chennai - 600 101.

4.The Inspector of Police,
V-5, Thirumangalam Police Station,
Anna Nagar,
Chennai - 600 101.

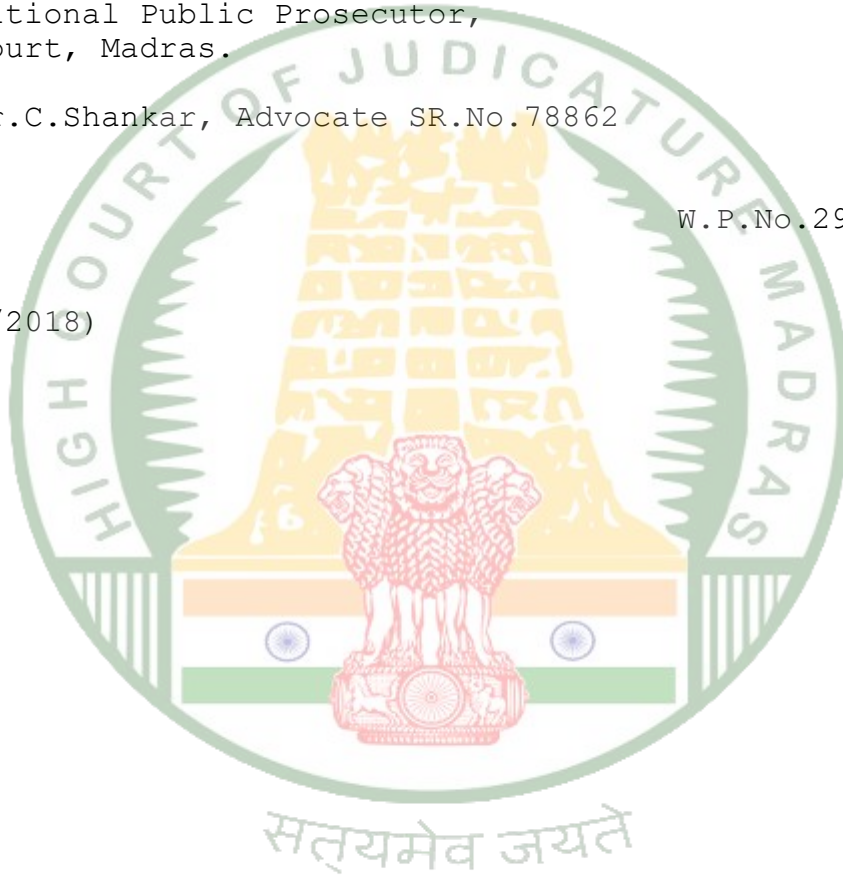
5.The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Shankar, Advocate SR.No.78862

W.P.No.29960 of 2018

Rji (CO)

GMV (04/12/2018)



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