

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2554 of 2019

Mr.Vijayakumar G Dhas

... Petitioner

Vs.

- 1.The Director General of Police,
Mylapore,
Chennai.
- 2.The Principal Secretary,
Home Department,
Secretariat,
For St George,
Chennai.
- 3.The Commissioner of Police,
Greater Chennai Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai 600 007.
- 4.The Inspector of Police (Law and Order)
T-12, Poonamallee Police Station,
Ambathur,
Chennai.

5.C.Daniel Praveen Raj. सत्यमेव जयते ... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 09.11.2018 and to take appropriate action against the 4th respondent.

For Petitioner : Mr.P.Sesubalan Raja

For respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Writ petition has been filed by the petitioner under Article 226 of Constitution of India praying to issue a writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 09.11.2018 and to take appropriate action against the 4th respondent.

2.It is seen from records that the petitioner has already filed O.S.No.140 of 2016 before the District Munsif Court, Poonamallee as against the 5th respondent in which he has also obtained interim order of status quo. Therefore, this Court cannot direct the police official to consider the representation sent by the petitioner.

3.The learned counsel for the petitioner would submit that in spite of the interim order passed, the 5th respondent is continuously interfering the possession and enjoyment of the petitioner and he is causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4.The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5.Heard Mr.P.Sesubalan Raja learned Counsel for the petitioner and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent police.

6.The petitioner in this case has admittedly obtained an order of injunction against the 5th respondent. The 5th respondent is continuously interfering with the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

7. In view of the above, this Criminal Original Petition is

disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

- 1.The Director General of Police,
Mylapore, Chennai.
 - 2.The Principal Secretary,
Home Department, Secretariat,
For St George, Chennai.
 - 3.The Commissioner of Police,
Greater Chennai Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai 600 007.
 - 4.The Inspector of Police (Law and Order)
T-12, Poonamallee Police Station,
Ambathur, Chennai.
 - 5.The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.P.Sesubalan, Advocate Sr.No.14731

CSL/18.03.2019

सत्यमेव जयते

W.P.No.2554 of 2019

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