

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11773 of 2016

V.Mariappan

... Petitioner

Vs.

1.The Inspector of Police
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Chengalpattu Taluk
Kancheepuram District

2.The Deputy Superintendent of Police
D.S.P.Officer at Guduvancheery
Chengalpattu taluk
Kancheepuram District

3.Marundan

4.Mahendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents Police 1 and 2 to provide Police protection to the petitioner to cut the velikathan trees grown in petitioner's property comprised in S.No.143 measuring an extent of 1.34 Acres or 134 cents, situate in Keezhakaranai Village, Chengalpattu Taluk.

For Petitioner : Mr.M.Kavithaa

For R1 &R2 : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

For R3 : Mr.A.Sairam

O R D E R

This Writ Petition has been filed to direct the respondents Police 1 and 2 to provide Police protection to the petitioner to cut the velikathan trees grown in petitioner's property comprised in S.No.143 measuring an extent of 1.34 Acres or 134 cents, situate in Keezhakaranai Village, Chengalpattu Taluk.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.25 of 1996 before the learned District Munsif Court, Chengalpattu and the same was also decreed in favour of the petitioner by an order dated 12.07.2000 and the said property was handed over the petitioner for thier peaceful possession and enjoyment of the their property.

3.The learned counsel for the petitioner would submit that in spite of the decree passed, the respondents 3 and 4 are continuously interfering with the possession and enjoyment of the petitioner and they are causing threat to cut the velikathan trees grown in petitioner's property and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, the present petition has been filed.

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 dispute between the parties are purely civil in nature.

5. Heard Mr. M.Kavithaa learned Counsel for the petitioner and Mr. M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent Police 1 & 2 and Mr.A.Sairam learned counsel for the 3rd respondent .

6.Admittedly, the petitioner obtained a decree in O.S.No.25 of 1996 by an order dated 12.07.2000. Eventhough, the respondents 3 and 4 are continuously interfering 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 Writ Petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above. No Costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Inspector of Police
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Chengalpattu Taluk
Kancheepuram District

2.The Deputy Superintendent of Police
D.S.P.Officer at Guduvancheery
Chengalpattu taluk
Kancheepuram District

+1 cc to Mr.M.Kavitha, Advocate Sr.No.14294

W.P.No.11773 of 2016

NMI (CO)
CSL/14.03.2019

सत्यमेव जयते

WEB COPY