

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2785 of 2019

R.Baskar

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Avadi Range,
Avadi, Chennai - 600 072
2.The Inspector of Police,
Pattabiram Police Station,
Chennai - Thiruvallur Highways,
Pattabiram, Chennai - 600 072
3.Jayaraman

... Respondents

PRAYER: This writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent to consider the representation dated 30.11.2018 for granting necessary police protection as per the order made in E.A.No.271 of 2014 in E.P.No.54 of 2014 dated 22.02.2017 passed by the learned Principal District Munsif, Poonamallee.

For Petitioner : Mr.S.Ganesh

For Respondents

No. 1 &2 : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to to issue a writ of mandamus directing the second respondent to consider the representation dated 30.11.2018 for granting necessary police protection as per the order made in E.A.No.271 of 2014 in E.P.No.54 of 2014 dated 22.02.2017 passed by the learned Principal District Munsif, Poonamallee.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the property bearing S.No.308,

Nagathamman Koil Street, Thandurai Village, Pattabiram, Chennai-72. He had put up thatched hut in the said property and he is living with his family members. While being so, the third respondent without any right or title over the property trespassed into the petitioner's property and also interfered with the peaceful possession and enjoyment of the property. Therefore, the petitioner filed a suit in O.S.No.573 of 2002 before the Principal District Munsif Court, Poonamallee and the same was decreed in favour of the petitioner and also granted permanent injunction as against the third respondent herein by decree dated 15.12.2011. Even thereafter, the third respondent did not stop his interference with the petitioner's peaceful possession and enjoyment of the property. Therefore he filed E.P.No.54 of 2014 and also EA.No.271 of 2014 for police protection. On the basis of the same, the Executing Court directed the second respondent to give adequate protection to the petitioner. Thereafter the petitioner made a representation on 11.12.2018 to the first respondent to give adequate police protection by the second respondent in this regard. After receipt of the same, they did not take any action. Hence, the petitioner has filed this petition.

3. The learned Additional Public Prosecutor would submit that based on civil decree he also obtained police protection in EA.No.271 of 2014 on 22.02.2017.

4. Considering the above facts and circumstances of the case, the second respondent is directed to grant necessary police protection as per the order passed in EA.No.271 of 2014 in EP.No.54 of 2014 dated 22.02.2017.

5. Accordingly, this Criminal Original Petition is disposed of. No costs.

lok

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Police,
Avadi Range,
Avadi, Chennai - 600 072

2.The Inspector of Police,
Pattabiram Police Station,
Chennai - Thiruvallur Highways,
Pattabiram, Chennai - 600 072

3.The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.M.Balaji, Advocate, S.R.No.9803/19

W.P.No.2785 of 2019

ssd(CO)
kak(08/03/2019)