

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15131 of 2016

B.Jagan

...Petitioner

Vs.

1.Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007

2.Deputy Commissioner of Police,
O/o.Deputy Commissioner of Police,
Chennai-600 001

3.Inspector of Police,
B2, Police Station,
Chennai-600 001.

4.Peer Anees Raja

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the the respondents 1 to 3 to provide police protection to the life of the petitioner and his father's property bearing the then Old No.15, Later Door No.59, New Door No.59, Malayaperumal Street, George Town, Chennai-600 001, based on the representation of the petitioner to the 3rd respondent dated 17.04.2016.

For Petitioner : Mr.R.Rangarajan

For Respondents: Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking direction to the respondents 1 to 3 to provide police protection to the life of the petitioner and his father's property bearing the then Old No.15, Later Door No.59, New Door No.59, Malayaperumal Street, George Town, Chennai-600 001, based on the representation of the petitioner to the 3rd respondent dated 17.04.2016.

2.The learned counsel for the petitioner would submit that in spite of the decree passed, the 4th respondent is continuously interfering the possession and enjoyment of the petitioner and they are 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

3. 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 civil in nature.

4.Heard Mr. Rangarajan learned Counsel for the petitioner and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent police.

5.Admittedly, the petitioner obtained a decree in O.S.No.4933 of 2055 and O.S.No.4977 of 2015. Eventhough, The 4th respondent is 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.

6. 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-VI)

//True Copy//

Sub Assistant Registrar

Vsn

To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007

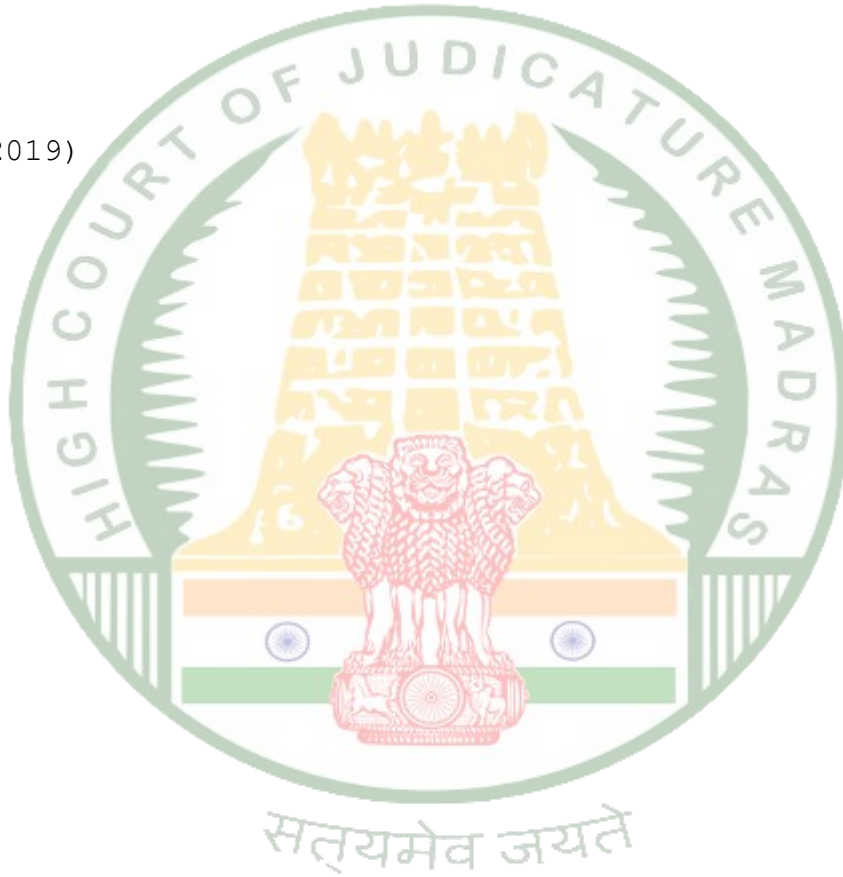
2.The Deputy Commissioner of Police,
O/o.Deputy Commissioner of Police,
Chennai-600 001

3.The Inspector of Police,
B2, Police Station,
Chennai-600 001.

4.The Public Prosecutor,
High Court, Madras.

W.P.No.15131 of 2016

SJ(CO)
GN(14/03/2019)



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