

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.15168 & 15169 of 2016

P.Mohammed Habeeb Rahman ...Petitioner in
W.P.No.15168 of 2016

S.NagoorKani ...Petitioner in
W.P.No.15169 of 2016

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 in
both W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 3 provide police protection to the life of the petitioners and for their leased property first floor godown of 'Asian Traders' 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 petitioners to the 3rd respondent dated 17.04.2016.

For Petitioners : Mr.K.Shakespeare
(In both W.P.Nos)

For Respondents : Mr.M.Mohamed Riyaz
(In both W.P.Nos) Addl. Public Prosecutor

COMMON ORDER

These petitions have been filed seeking direction to the respondents 1 to 3 provide police protection to the life of the petitioners and their property representation of the petitioners to the 3rd respondent dated 17.04.2016.

2.The learned counsel for the petitioners would submit that in spite of the decree passed, the 4th respondent is continuously interfering the possession and enjoyment of the petitioners and they are causing threat to the petitioners and therefore, the petitioners gave a complaint to the respondent police seeking for police protection. Since the same was not considered, these petitions have been filed seeking for appropriate direction.

3. The learned Additional Public Prosecutor would submit that several suits were pending before the trial Court and 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.

4. Heard Mr. K.Shakespeare learned Counsel for the petitioners and M. M.Mohamed Riyaz learned Additional Public Prosecutor for the 3rd respondent police.

5.Admittedly, the 4th respondent is continuously interfering the possession and enjoyment of the petitioners. The petitioners have to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioners to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioners 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, these Writ Petitions are disposed of, by giving liberty to the petitioners to workout his remedy before the Court below in the manner indicated herein above. No Costs.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

vsn

To

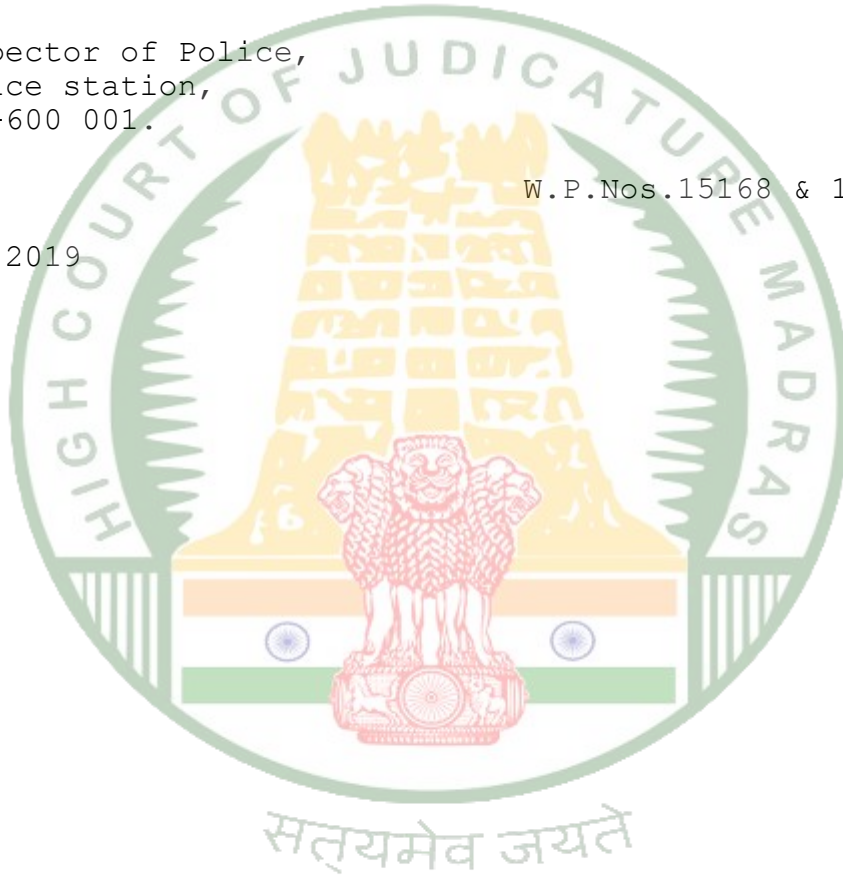
1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

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

3.The Inspector of Police,
B2, Police station,
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GJ(CO)
CSL/27.03.2019



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