

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.02.2019

CORAM :
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20665 of 2015

Selvaraj

... Petitioner

Vs.

1. The District Collector,
Coimbatore District.

2. The Rent Control Officer &
Revenue Divisional Officer,
Coimbatore.

3. The Commissioner of Police,
Coimbatore City,
Coimbatore - 18.

4. The Inspector of Police,
B-11, Saibaba Colony Police Station,
Coimbatore.

5. Haji M.I.Mohammed Ali

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to give police protection to the petitioner to execute the Court Order in O.S.No.414 of 1998 on the file of first Additional District Munsif Court, Coimbatore dated 20.12.2002 as per the representation of the petitioner dated 11.08.2014 and 13.10.2014 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Gunalan

For Respondents

For R1 to R4: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The writ petition has been filed to direct the respondents 1 to 4 to give police protection to the petitioner to execute the Court Order in O.S.No.414 of 1998 on the file of first Additional District Munsif Court, Coimbatore dated 20.12.2002.

2. It is seen that the petitioner's father filed a suit as against the fifth respondent herein, in O.S.No.414 of 1998 before the I Additional District Munsif Court, Coimbatore and by an order dated 20.12.2002, the suit was decreed in favour of the petitioner's father. However, the fifth respondent continuously interfering with the possession and enjoyment of the petitioner. Therefore, 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.

3. 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 VIII)

//True Copy//

Sub Assistant Registrar

rts

To

- 1.The District Collector,
Coimbatore District.
- 2.The Rent Control Officer &
Revenue Divisional Officer,
Coimbatore.
- 3.The Commissioner of Police,
Coimbatore City,Coimbatore - 18.
- 4.The Inspector of Police,
B-11, Saibaba Colony Police Station,
Coimbatore.
- 5.The Additional District Munsif,
Coimbatore.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.11722

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EV(CO)
rrs 27/03/2019