



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P No.9351 of 2019

Rathinammal

...Petitioner

Vs.

1. The Inspector of Police,
Aanaikaran Chathiram Police Station,
Sirkali Taluk,
Nagapattinam District.
 2. The Superintendent of Police,
Office of the Superintendent of Police,
Sirkali Taluk,
Nagapattinam District.
 3. Sundhar
 4. Manivel
 5. Balu
 6. Rajeswari
- (R3 to R6 are impleaded vide order
dated 08.04.2019 made in WMP.11128 of 2019
in W.P.No.9351 of 2019)

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to provide police protection to the petitioner for peaceful enjoyment and possession of the property located in Survey No.51/4 A1, bearing Door No. 7/137, situated in Kollidam Main Road, Sirkali Taluk.

For Petitioner : Mr. Stalin Abhimanyu

For 1st and 2nd Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

The writ petition has been filed seeking for police direction.

2. It is seen from the records that the husband of the petitioner was the owner of the property by virtue of a sale



deed dated 10.03.2003. There was an attempt made by one Selvaraj to interfere with the possession and enjoyment of the property. The said Selvaraj filed a suit in O.S.No.150 of 2003 in which the husband of the petitioner was shown as a defendant. The said suit was dismissed for default. Again, he filed a suit along with others in O.S.No.297 of 2003. In the said suit also, the husband of the petitioner was shown as the defendant. The said suit was dismissed by a judgment and decree dated 13.09.2017. Thus, the title and possession over the property has been confirmed in favour of the husband of the petitioner and after his life time, in favour of the petitioner.

3. The judgment and decree has also become final. Whiles, the counter parties again started exerting threat and attempted to interfere with the possession and enjoyment of the property. A complaint was given before the 1st respondent seeking for police protection. Since no action has been taken on the complaint, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

5. Taking into consideration the facts and circumstances of the case and the fact that the Civil Court decree has already gone against the counter parties, they cannot be permitted to again cause threat to the petitioner and interfere with her possession and enjoyment of the property. They have to necessarily work out their remedy only in accordance with law.

6. This Writ Petition is disposed of with a direction to the 1st respondent to immediately call the parties for enquiry and instruct the counter parties not to cause any threat to the petitioner or interfere with the possession and enjoyment of the property. If inspite of the advice, the counter parties involve in causing any threat or interfere with the possession of the property, the 1st respondent shall take immediate action against them in accordance with law. If necessary, the 1st respondent shall also provide police protection to the petitioner. The 1st respondent shall make it clear to the counter parties to work out their remedy in accordance with law.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Aanaikaran Chathiram Police Station,
Sirkali Taluk,
Nagapattinam District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Sirkali Taluk,
Nagapattinam District.
3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.C.Vigneswaran, Advocate, S.R.No.52402

W.P No.9351 of 2019

BR(CO)
SSM(09/08/2019)