

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.13785 of 2019

A.Nadarajan

Petitioner

vs.

1. Inspector of Police,
P-3, Vysarpadi Police Station,
Chennai - 600 039.

2. Shanthilal Betala

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondents police to give protection to the petitioner's life and his Petition Property as requested by the petitioner in his complaint made to the 1st respondent, dated 24.03.2019.

For Petitioner

: Mr.R.Munuswamy

For Respondents

: Mr.C.Raghavan
Government Advocate

ORDER

This Writ Petition has been filed seeking for police protection to the petitioner's life and his property.

2. It is seen from the records that the competent civil court has already passed a judgment and decree in O.S.No.3209 of 2009 and O.S.No.8439 of 2010 in favour of the petitioner. Both the title and possession of the petitioner has been upheld by the competent civil court. The grievance of the petitioner is that in spite of the said Civil Court decree becoming final, the 2nd respondent with the help of henchmen is trespassing in to the property and is causing damage to the property.

3. The petitioner has given a representation dated 24.03.2019 to the 1st respondent seeking for police protection and since the same has not been acted upon, the present writ petition has been filed seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent police.

5. When there is a judgement and decree in favour of the petitioner upholding his title and possession which has been a passed by the competent civil court, the 2nd respondent cannot take law in to his own hands and cause threat to the life and property of the petitioner. The 2nd respondent has to necessarily workout his remedy by challenging the Civil Court decree in accordance with law.

6. In such view of the matter, there shall be a direction to the 1st respondent to act upon the complaint given by the petitioner and conduct an enquiry and direct the 2nd respondent or his men not to interfere with the possession and enjoyment of the petitioner except in the manner known to law. If in spite of the same, there is any threat exerted by the 2nd respondent, appropriate action shall be taken in accordance with law. If necessary, the 1st respondent shall also provide police protection to the petitioner.

7. This Writ Petition is disposed of accordingly. No Costs.

06.06.2019

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr/sbn

To

1. The Inspector of Police,
P-3, Vysarpadi Police Station,
Chennai - 600 039.

2. The Public Prosecutor,
High Court of Madras,
Madras.

N. ANAND VENKATESH, J.
SSR



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06.06.2019

W.P.No.13785 of 2019**N.ANAND VENKATESH, J.**

Today, this matter came up before me under the caption 'For Being Mentioned'.

2.Heard both sides.

3.Considering the submissions, the following shall be added at the end of paragraph No.6 of the order, dated 06.06.2019 passed by this Court:

"It is brought to the notice of this Court that an Appeal Suit has been filed by the counter party and notice has been ordered in the Appeal Suit. If on enquiry, the police come to a conclusion that the parties will have to finalise their rights before the Civil Court, the parties shall be relegated to the competent Civil Court and protection shall be given after the rights are finalized in the civil proceedings."

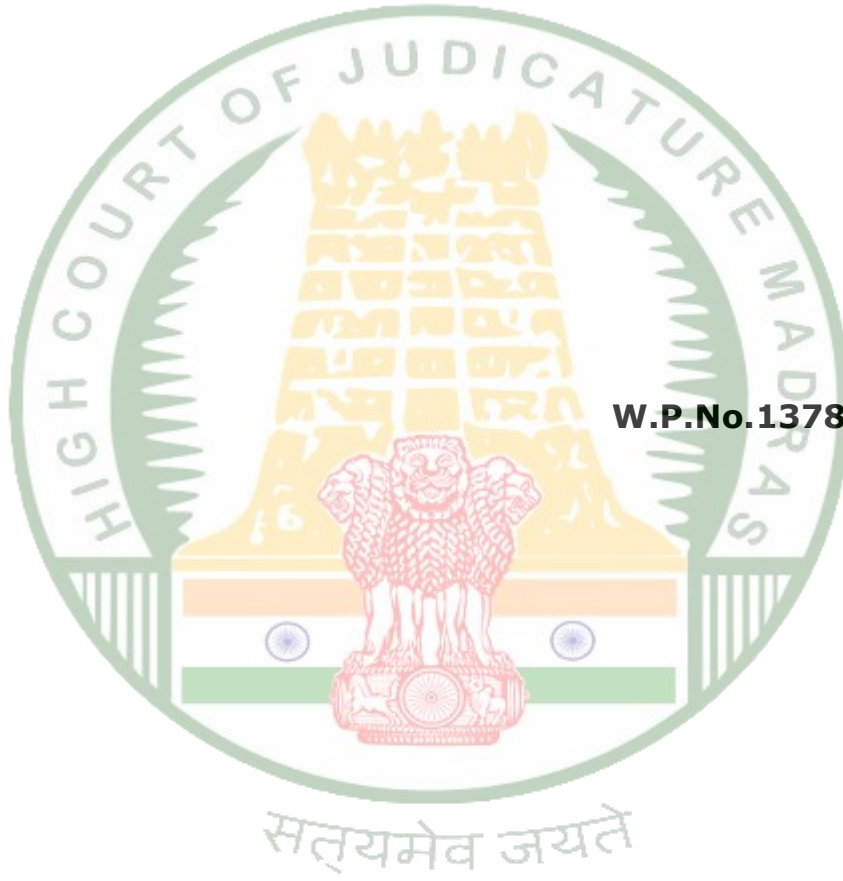
4.Registry is directed to issue a fresh copy of the order to the parties after including the above in paragraph No.6.

vs/jas

27.08.2019

N.ANAND VENKATESH, J.

vs/jas



W.P.No.13785 of 2019

WEB COPY

27.08.2019