

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17286 of 2019

in

W.M.P.Nos.16820 and 16822 of 2019

1.S.Muralidharan
2.K.Devarajan
3.K.Srinivasan

... Petitioners

-Vs-

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

2.The Deputy Commissioner of Police,
Vyasarpadi,
Chennai - 600 039.

3.The Assistant Commissioner of Police,
P-3, Vyasarpadi Police Station,
Vyasarpadi, Chennai - 39.

4.The Inspector of Police,
P3-Vyasapadi Police Station,
Vyasarpadi, Chennai - 39.

5.Ganesh
6.Lokkanayaki
7.Ms.Gnanam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents 1 to 4 to provide adequate police protection to the petitioners for carrying demolition and construction in the house property at Door No.60 and 61, Balakrishnan Street, Vysarpadi and against the third parties from in any manner interfering with the peaceful possession of the petitioners in any illegal manner.

For Petitioners
For Respondents

: M/s.C.Ananda Ramani
: Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R4

ORDER

This writ petition has been filed seeking police protection.

2. It is seen from records that the 2nd and 3rd petitioners and the father of the first petitioner filed a suit in O.S.No.62 of 1998, seeking for the relief of partition. The final decree was also passed on 29.09.2011, allotting a share to the petitioners in item 2 and 5 of the scheduled properties, which are the subject matter of this writ petition.

3. It is the grievance of the petitioners that after the final decree was passed in favour of the petitioners, the petitioners attempted to carryout demolition in order to put up a new construction. The respondents 5 to 7, who do not have any right over the property are interfering with the possession and enjoyment of the property with the help of henchmen and also causing threat to the petitioners. Therefore, the petitioners gave a complaint to the respondent police for police protection. In spite of the receipt of the complaint, since no action was taken, the present writ petition has been filed before this Court, seeking for appropriate directions.

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

5. Taking into consideration the facts and circumstances of the case, the 4th respondent is directed to immediately call the parties for an enquiry and shall direct the respondents 5 to 7 not to cause any threat to the petitioners. The respondents 5 to 7 shall be directed to workout their remedy, before the appropriate Civil Court and they shall not interfere with the possession and enjoyment of the property of the petitioners. If in spite of the same, any threat is exerted by respondents 5 to 7, action shall be taken against them, in accordance with law.

6. This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Deputy Commissioner of Police,
Vyasarpadi,
Chennai - 600 039.

3. The Assistant Commissioner of Police,
P-3, Vyasarpadi Police Station,
Vyasarpadi, Chennai - 39.

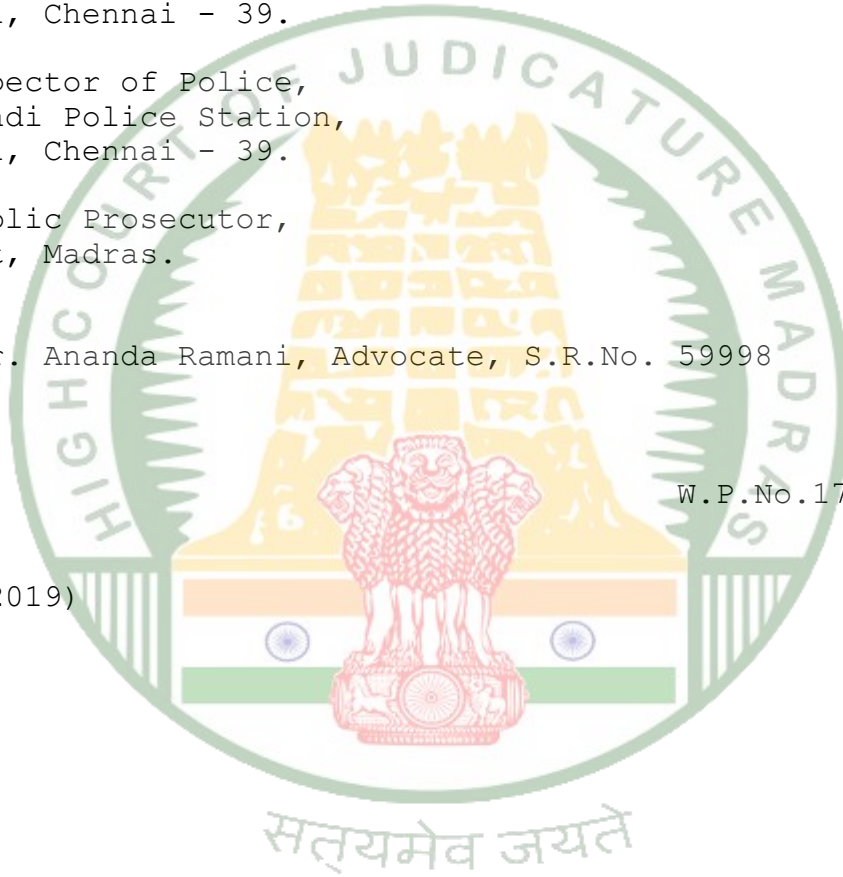
4. The Inspector of Police,
P3-Vyasapadi Police Station,
Vyasarpadi, Chennai - 39.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. Ananda Ramani, Advocate, S.R.No. 59998

W.P.No.17286 of 2019

MG (CO)
GN(18/07/2019)



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