

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 08.03.2019  
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21023 of 2017

B.Premkumar

... Petitioner

Vs.

1.The Superintendent of Police,  
Annadanapatti,  
Salem,  
Salem District.

2.The Deputy Superintendent of Police,  
Omalur Sub Division,  
Omalur Taluk,  
Salem District.

3.The Inspector of Police,  
Omalur Police Station,  
Omalur Taluk,  
Salem District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 & 3 to provide police aid or Assistance to implement the Civil Court order passed in I.A.No.405 of 2017 in O.S.No.81 of 2017 dated 24.04.2017 for restoring the alteration and removing the 3<sup>rd</sup> party interest in the said suit property.

For Petitioner : Mr.M.Elango

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 2 & 3 to provide police aid or Assistance to implement the Civil Court order passed in I.A.No.405 of 2017 in O.S.No.81 of 2017 dated 24.04.2017.

2. It is seen from records that the petitioner has filed a suit in O.S.No.81 of 2017 before the District Munsif Court, Omalur. In the said suit, the petitioner has filed I.A.No.405 of 2017, seeking for interim injunction restraining the defendants from interfering the peaceful possession and enjoyment of the

petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the defendants in the said suit are continuously interfering the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a representation to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. Heard Mr.M.Elango, learned Counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent police.

6. The petitioner in this case has admittedly obtained an order of injunction against the defendants in the above said suit. However the defendants are continuously interfering the possession and enjoyment of the petitioner. 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.

7. 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

//True Copy//

Sub Assistant Registrar

jas/rts

To

- 1.The Superintendent of Police,  
Annadanapatti,  
Salem, Salem District.
- 2.The Deputy Superintendent of Police,  
Omalur Sub Division,  
Omalur Taluk,  
Salem District.
- 3.The Inspector of Police,  
Omalur Police Station,  
Omalur Taluk,  
Salem District.

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