

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33498 of 2018
and
W.M.P.No.38880 of 2018

M.N.Shanmugam

... Petitioner

Vs.

- 1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
Flower Bazar,
Chennai.
- 3.The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai.
- 4.The Sub Registrar,
Office of the Sub Registrar,
No.11, Davidson Lane,
Sowarpet,
Chennai-600 001.
- 5.The Tahsildhar,
Tondiarpet Taluk,
Tondiarpet,
Chennai-600 081.

6.Clara Suresh

7.Subash Kumar Rathod

8.Dalith Chand Jain,

9.L.Mahendra Singh Mehtha

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide police protection to the petitioner and his property situate at Old No.28, New No.55, Audiyappa Naicken Street, Sowcarpet, Chennai-600 079 based on the complaint of the petitioner 04.12.2018 and 11.12.2018 in CSR No.850 of 2018 to safeguard the life and property at the hands of the respondents 6 to 9 forthwith.

For Petitioner : Mr.C.Prabakaran

For R1 to R5 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ petition has been filed seeking for a police protection to the petitioner.

2.The learned counsel for the petitioner would submit that the property in question was enjoyed by the petitioner and his family members as absolute owners and tenants have been inducted in the property and the petitioner is collecting rent from the said tenants. When an attempt was made by the respondent Nos.6 to 9 to interfere with the possession, a suit was filed in O.S.No. 3791 of 2009 before the IV Assistant City Civil Court, Chennai and the said suit is pending. In the mean time, the private respondents have engaged the rowdy elements and brought JCB machines, and damaged a portion of the property and are causing serious threat to the petitioner and also the tenants in occupation of the property.

3. In this regard, the petitioner gave a complaint before the third respondent and the receipt was also received in CSR No.850 of 2018. Since no action was taken, the present writ petition has been filed.

4. Under the facts and circumstances of the case, there shall be a direction to the third respondent to call the parties and instruct them to workout their remedy before the civil Court, where the suit is pending and advice the parties not to indulge in any violent activities. If any of the parties resort to any violence, the third respondent shall take action against them in accordance with law. It is made clear that the parties will have to establish their right only before the competent civil Court and this order will not in anyway have any bearing on the pending civil suit.

5. Accordingly, this Writ Petition is disposed of.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mm/vsa
To

- 1.The Commissioner of Police,
Chennai City Police,
Vepery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
Flower Bazar,
Chennai.
- 3.The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai.
- 4.The Sub Registrar,
Office of the Sub Registrar,
No.11, Davidson Lane,
Sowarpet,
Chennai-600 001.
- 5.The Tahsildhar,
Tondiarpet Taluk,
Tondiarpet,
Chennai-600 081.

+1cc to Mr.C.Prabakaran, Advocate Sr.541

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sv[co]
srg 30/01/2019