

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23589 of 2019

K.Kalaiselvi

.. Petitioner

..Vs..

1. The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai-600 081.

2. Valliammal

3. Parvathi

(2 and 3 are impleaded as per the order made
in W.M.P.No.23902 of 2019 dated 16.08.2019)

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to give police protection to the petitioner premises to repair and renovate the premises considering the representation/complaint dated 28.07.2019.

For Petitioner : Mr.B.Cholan

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

: Mr.Muthamizh Selvakumar for R2

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O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondent to give police protection to the petitioner premises to repair and renovate the premises considering the representation/complaint dated 28.07.2019.

2. It is seen from records that the petitioner's husband

died on 22.07.2012 and after the demise of her husband, her in-laws have taken many illegal steps to evict the petitioner and her children from the property situated at No.49/101, Nethaji Nagar, Tondiarpet, Chennai-81, by giving continuous harassment. The petitioner has filed a D.V.C.No.16 of 2012 before the XV Metropolitan Magistrate Court, George Town, Chennai and same was allowed on 24.06.2015 with some directions.

3. The learned counsel for the petitioner would submit that in spite of the order passed, the respondents 2 and 3 are continuously interfering with her peaceful possession and enjoyment of the property and they are causing threat to the petitioner and therefore, the petitioner gave a complaint 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.

5. Heard Mr.R.Cholan, learned Counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent police.

6. The petitioner in this case has admittedly obtained an order against the respondents 2 and 3. The respondents 2 and 3 are continuously interfering with her peaceful possession and enjoyment of the property. 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 Criminal Original Petition is dismissed. by giving liberty to the petitioner to workout her remedy before the Court below in the manner indicated herein above.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai-600 081.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

W.P.No.23589 of 2019

NR (CO)
GS (09/06/2020)



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