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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.11.2020
CORAM:
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P(MD)No.16381 of 2020

Saraswathiammal ... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District. ... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents to award adequate police protection on the strength of the judgment and decree in O.S.No.248 of 2009, dated 24.09.2013, by the Additional District Munsif, Tirunelveli which was subsequently confirmed in A.S.No.110 of 2013 vide judgment and decree, dated 18.07.2019 by the Additional Subordinate Judge, Tirunelveli thereby considering the petitioner's representation, dated 03.10.2020.

For Petitioner : Mr.S.Elumalai
For Respondents : Mr.R.Srinivasan
Government Advocate

O R D E R

This Writ Petition has been filed to direct the respondents to award adequate police protection on the strength of the judgment and decree in O.S.No.248 of 2009, dated 24.09.2013, by the learned Additional District Munsif, Tirunelveli which was subsequently confirmed in A.S.No.110 of 2013 vide judgment and decree, dated 18.07.2019 by the learned Additional Sub Judge, Tirunelveli thereby considering her representation, dated 03.10.2020.

2. The learned counsel for the petitioner would submit that the property in dispute was initially an Inam property to one Vairavan, who is the husband of the petitioner herein, thereafter, he gave possession to one J.S.Pandian. After the demise of the husband of the petitioner / Vairavan, the said J.S.Pandian grabbed the property from the petitioner and filed a suit in O.S.No.248 of 2009, seeking for the relief of declaration and permanent injunction and recovery of possession, without including the petitioner as a party/ defendant in the suit and the same was dismissed on merit. Against the order of dismissal of the suit, the said J.S.Pandian had filed an appeal in A.S.No.110 of 2013, pending disposal of the

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appeal, the said J.S.Pandian died. As his legal heirs are residing abroad, there was no one to follow the appeal, hence, the same was dismissed by the Appellate Court and confirmed the judgment and decree of the original suit. Thereafter, the petitioner went to the property to take possession of the same and found that one Sathish and Chermadurai were in possession of that property and they refused to vacate the premises and also abused the petitioner by using filthy language and threatened her with dire consequences. Hence, she had given a representation to the second respondent on 03.10.2020 and her complaint was acknowledged in C.S.R.No.501 of 2020. So far, no action has been taken by the respondents. Hence, the present petition.

3.The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner dated 03.10.2020 will be considered within a period of four weeks.

4. Considering the submission made on either side, the respondents are directed to consider the representation of the petitioner, dated 03.10.2020 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the result to the petitioner so that she can work out her rights in the manner know to law.

5.With the above direction, this Writ Petition is disposed of.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls/msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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