

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1529 of 2021
and
WMP.No.1726 of 2021

A.Babu

... Petitioner

Vs.

1. The Superintendent of Police,
Chengalpet District.

2. The Deputy Superintendent of Police,
Mamallapuram,
Chengalpet District.

3. Mrs.Kalaiarasi
Inspector of Police,
E-6, Thiruporur Police Station,
Chengalpet District.

4. Vendavarasi

5. Phanikumar

6. The Sub Registrar,
Registrar Office,
Tiruporur, Chengalpet District.

... Respondents

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first and second respondent to provide adequate police protection to the petitioner and his family and their properties in S.Nos.20/2B, 21/2B1, 21/3A2, 21/3B1, 21/3B6, 54/4A, 56/2A1A1, 101/3A, 101/3B, 101/4A, 102/3, 23/2B, 24, 25/1A, 25/1B, 25/2A, 25/2C, 25/2D, 54/1, 54/6, 54/7, (in the name of Babu) and 21/2B2, 101/6A, 54/3B, 54/4B, 54/5, 56/2B1A, 56/3A1A (in the name of Kesavan) total extent of 8.5 acres, at Village Kannagapattu, Thiruporur, Chengalpet District.

For Petitioner : Mr.V.J.Arul Raj

For Respondents: Mr.M.Mohamed Riyz, R1 to R2
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent Police to provide police protection to the petitioner and his family members and also to his property.

2. The case of the petitioner is that he is the absolute owner of the subject properties. Initially, an attempt was made to create an encumbrance over the property by virtue of a sale deed dated 09.07.2013 that is said to have been executed in favour of the 5th respondent. The petitioner and his brother filed a suit in O.S.No.583 of 2014 before the District Munsif Court, Chengalpattu against the 5th respondent and his vendor and the said suit was decreed by Judgment and Decree dated 07.01.2016.

3. The grievance of the petitioner is that the 5th respondent, without working out his remedy, before the competent Civil Court, has resorted to taking law into his own hands with the help of the 4th respondent. It is alleged that the 4th respondent and his men are encroaching upon the agricultural lands and are destroying the motor pump sets and it is also being used for consuming liquor. The petitioner had given repeated complaints to the 3rd respondent. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.V.J.Arul Raj, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is a decree passed in favour of the petitioner by a competent Civil Court, there shall be a direction to the second respondent viz., Deputy Superintendent of Police, Mamallapuram, to call the parties for an enquiry and specifically instruct the respondents 4 & 5 not to interfere with the property of the petitioner and not to cause any threat to the petitioner and his family members. If inspite of such instructions, the respondents 4 & 5 or their men create any law and order problem, immediate action shall be taken against them in accordance with law. If necessary, police protection shall also be given to the petitioner. This order will not stand in the way of the 5th respondent agitating his right before the competent Civil Court.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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To

1. The Superintendent of Police,
Chengalpet District.

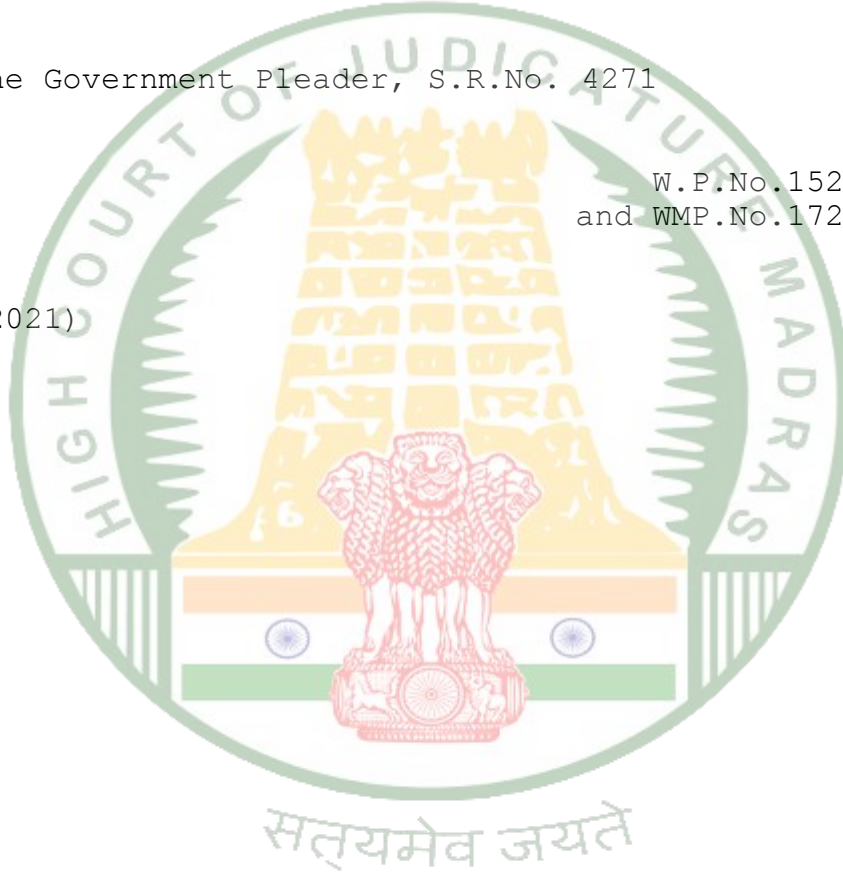
2. The Deputy Superintendent of Police,
Mamallapuram,
Chengalpet District.

3. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1cc to the Government Pleader, S.R.No. 4271

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MGR (CO)
GN(19/02/2021)



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