

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4060 of 2021

C.Sheela

.. Petitioner

/versus/

1.State by

The Commissioner of Police,
Vepery,
Chennai 600 007.

2.State by

The Inspector of Police,
K1, Sembium Police Station,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to remove the trespassers in the petitioner's property at New Door No.36/81, (old Door No.49), Market Street, Siruvallur Village, comprised in O.S.No.39/1-B Part, T.S.No.11B, measuring 4 grounds and 88 sq.ft. bounded on the North by T.S.No.11-A, South by Krishnaveni Ammal's property and East by Sivanandam and Chengalvarayan's property and west by Thiruvengadam's property and Market Street and situated within Sub-Registration District of Sembium of North Chennai Registration District under the statutory powers vested with the respondents in the light of the judgment of this Honourable Court in W.P.No.5382 of 1986 between India Match House Vs. The Commissioner of Police, Madras and others.

For Petitioner :Mr.J.Nagarajan.

For Respondents :Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus directing the respondent Police to provide police protection to the petitioner and for the removal of the trespassers from the property, pursuant to the complaint given by the petitioner on 07.01.2021.

2.Heard Mr.J.Nagarajan, learned counsel appearing on behalf of the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of the respondents 1 and 2.

3.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has taken possession of the property with the aid of a bailiff with police aid pursuant to the possession warrant issued by the Execution Court, if there is any trespass into the property, the petitioner will have to file an appropriate petition before the Execution Court and seek for police protection. The Execution Court will be the most appropriate forum to decide on the issue of police protection since the entire facts are before the Court. Except giving this liberty, no further orders can be passed in this writ petition.

4.This Writ Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Vepery,
Chennai 600 007.

2.The Inspector of Police,
K1, Sembium Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Nagarajan, Advocate SR.No. 10432

A.SK(16.03.2021)

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