

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.1934 of 2021

M/s.VGP Housing Private Limited,
Rep. by its Director,
Mr. VGP Babudoss,
No.6, Dharmaraja Koil Street,
Saidapet, Chennai - 600 015.

.. Petitioner

Vs.

1. The Commissioner of Police,
No.132, Commandant Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Dr.Muthu Lakshmi Road,
Adyar, Chennai - 600 020.
3. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Singaravelan Street,
2nd Street, Neelankarai,
Chennai - 600 041.
4. The Inspector of Police,
J-12, Kannathur Police Station,
East Coast Road,
Kanathur, Chennai - 603 112.

5. Raja

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide adequate police protection to the petitioner for putting up a barbed fence around the land in Plot Nos. C1, C2 and C3 and Plot Nos.2, 3, 4 and 5 comprised in Survey No.2/2B2 part measuring to a total extent of 27,575 sq.ft situated at VGP Golden Beach Uthandi Part II, Uthandi Village, Sholinganallur Taluk, Kancheepuram District within the time

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stipulated by this Court, based on the petitioner's representation dated 18/12/2020.

For Petitioner : Mr.R.Murali

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R4

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 to fence their property pursuant to the representation made by the petitioner on 18.12.2020.

2.The case of the petitioner Company is that the property originally belonged to one V.S.Ranganathan by virtue of registered partition deed dated 29.10.1964. The Said V.S.Ranganathan executed a registered power of attorney in favour of the petitioner Company through document dated 05.12.1981. According to the petitioner Company, the agency is coupled with interest and the interest of the petitioner is safe-guarded under Section 202 of Indian Contract Act, 1872.

3.The further case of the petitioner is that the petitioner Company thereafter developed a residential layout. While so, an attempt was made by the 5th respondent to interfere with the possession and enjoyment of the petitioner which resulted in the petitioner filing a suit in O.S.No.555 of 2013 against the 5th respondent and four others for the relief of permanent injunction. This suit came to be decreed by Judgment and Decree dated 24.07.2017. According to the petitioner, this judgment has become final and no steps have been taken to file any appeal or file any petition to set aside the ex-parte decree.

4.The petitioner gave a complaint before the respondent police on 18.12.2020 seeking for police protection to fence the subject property on the ground that the 5th respondent is continuously causing threat with the help of some unknown persons and as a result of the same, the petitioner is not able to fence the property. Since this complaint was not acted upon by the respondent police, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4.

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6. Taking into consideration the facts and circumstances of the case and also of the fact that there is already a Civil Court Decree passed in favour of the petitioner, there shall be a direction to the 4th respondent to call the parties for an enquiry and instruct the 5th respondent not to cause any threat to the office bearers of the petitioner Company and not to interfere with the possession of the property. The 4th respondent shall further instruct the 5th respondent to workout his remedy in the manner known to law. If in spite of such instructions being given to the 5th respondent, any attempt is made to cause threat or to interfere with the possession and enjoyment, immediate action shall be taken in accordance with law. If required police protection shall also be given to the petitioner to enable them to fence the property.

7. This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
No.132, Commandant Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
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Office of the Deputy Commissioner of Police,
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5. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Murali, Advocate SR.5215

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