

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5796 of 2021

N.Mani

... Petitioner

Vs.

1. The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi district.

3. S.Poongavanammal

4. D.Subramaniapillai
(R3 & R4 impleaded vide order dated 15.03.2021
in WMP.No.7365 of 2021 in WP.No.5796 of 2021
by NAVJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to provide adequate police protection to him for enter and peaceful possession in his above said land in survey Nos.15/7, 15/9, 15/10, 14/2, 20/5, 22/2 and 15/2 at Kudiyanallur Village.

For Petitioner : Mr.Sathia chandran

For Respondents: Mr.M.Mohamed Riyaz R1 & R2
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents 1 and 2 to provide police protection.

2. The case of the petitioner is that the subject property was originally owned by the father of the petitioner and the revenue records also stood in his name. During his lifetime, the third and fourth respondents interfered with the possession and enjoyment of the property and hence, the father of the petitioner filed a suit in OS.No.669 of 2000, before the Principal District Munsif Court, Kallakurichi, seeking for the relief of permanent injunction. The said suit was decreed ex-parte by the judgment and decree dated 11.03.2002.

3. The third and fourth respondents filed a suit in O.S.No.710 of 1998, before the I Additional District Munsif Court, Kallakurichi, seeking for the relief of declaration of title and for permanent injunction. This suit was decreed in their favour by judgment and decree dated 13.10.2009. Aggrieved by the same, the petitioner and others, who are the legal heirs of Nandan, who is the original owner of the property, filed an appeal in A.S.No.2 of 2010, before the Sub Court, Kallakurichi. This appeal was allowed by judgment and decree dated 16.12.2019 and the judgment and decree passed by the trial Court was set aside. The specific case of the petitioner is that this judgment has become final.

4. The grievance of the petitioner is that, inspite of a civil court decree passed in favour of the petitioner and other legal heirs, the third and fourth respondents continued to cause threat and were interfering with possession and enjoyment of the property. In this regard, there is also an FIR pending against the third and fourth respondents in Crime No.117 of 2000. The petitioner, therefore, made a representation on 15.02.2021 to the respondent seeking for police protection. Since the same was not considered, the present writ petition has been filed before this court.

5. Heard Mr.Sathia chandran, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents 1 and 2.

6. Taking into consideration the facts and circumstances of the case and also the judgment and decree passed by the competent civil Court, there shall be a direction to the second respondent to call the parties for an enquiry and specifically instruct the third and fourth respondents not to cause any threat to the petitioner and interfere with the possession and enjoyment of the subject property. If inspite of such instructions given by the respondent police, the third and fourth respondents indulge in any threat or interference in the property, action shall be taken against them strictly in accordance with law. The third and fourth respondents shall be

specifically informed that they have to work out their remedy only in the manner known to law and they cannot take law into their own hands.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rli
To

1. The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi district.
3. The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+lcc to M/s.K.Panjamurthy, Advocate Sr.17446

W.P.No.5796 of 2021

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srg 01/07/2021

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