

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4128 of 2021

E.F.Radhika,
D/o.D.E.Josephine Leo

.. Petitioner

-vs-

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

2.The Inspector of Police,
E-8, Kelambakkam Police Station,
Chenglepet District,
Chenglepet.

3.D.Leo
S/o.T.P.Durai

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 2nd respondent to give police protection for peaceful living and enjoyment of the property situated at No.4/1 Pudhupakkam Village, Thiruporur, Panchayat, Chengalpet.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus directing the second respondent to grant police protection to the petitioner with respect to the subject property by considering the representation made by the petitioner on 24.10.2020.

2. It is seen from the records that there is a dispute between the petitioner and the third respondent who is none other than the father of the petitioner with respect to the subject property. The claim of the petitioner over the subject property is by virtue of a settlement deed executed in

her favour by her mother. The third respondent/father is disputing the legality of the settlement deed and he has filed a suit along with others in O.S.No.128 of 2020 to declare the settlement deed and other documents as null and void and for a consequential permanent injunction. The petitioner who claims to be in possession and enjoyment of the subject property, has also filed a suit in O.S.No.108 of 2020 for the relief of permanent injunction against the third respondent and persons claiming through him. In both suits, the parties filed applications seeking for interim injunction. The application filed for interim injunction by the petitioner in I.A.No.414 of 2020 was allowed by the District Munsif Court, Chenglepet through a fair and final order dated 21.01.2021. The interim application filed by the third respondent and others seeking for interim injunction in I.A.No.435 of 2020 was dismissed by the court below.

3. The grievance of the petitioner is that in spite of the interim injunction granted by the court below, the third respondent and others, are causing threat to the petitioner and also interfering with the possession and enjoyment of the petitioner. The representation made by the petitioner seeking for police protection, was not considered by the respondent police. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mr.Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

5. This Court has carefully considered the submissions made on either side and materials available on record.

6. There is an order of interim injunction granted by the court below in favour of the petitioner in I.A.No.414 of 2020, after hearing both sides and till this order in force, neither the third respondent nor any one claiming through him can cause threat or interfere with the possession and enjoyment of the subject property. The third respondent and the persons claiming through him will have to necessarily workout their remedy only in the manner known to law. They cannot disregard the order passed by the court below and interfere with the possession and enjoyment of the petitioner.

7. In view of the above, there shall be a direction to the second respondent to call the parties for an enquiry and instruct the third respondent and persons claiming through him, to workout their remedy before the competent civil Court and not to cause any threat or interference in the possession and enjoyment of the petitioner, till the order passed by the court below in favour of the petitioner is in force. If in spite of such instructions, the third respondent or any one claiming through him cause any threat or create any law and

order problem, action shall be taken immediately in accordance with law. The petitioner is directed to make a fresh representation along with all the relevant documents and a copy of this order to the second respondent.

8. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

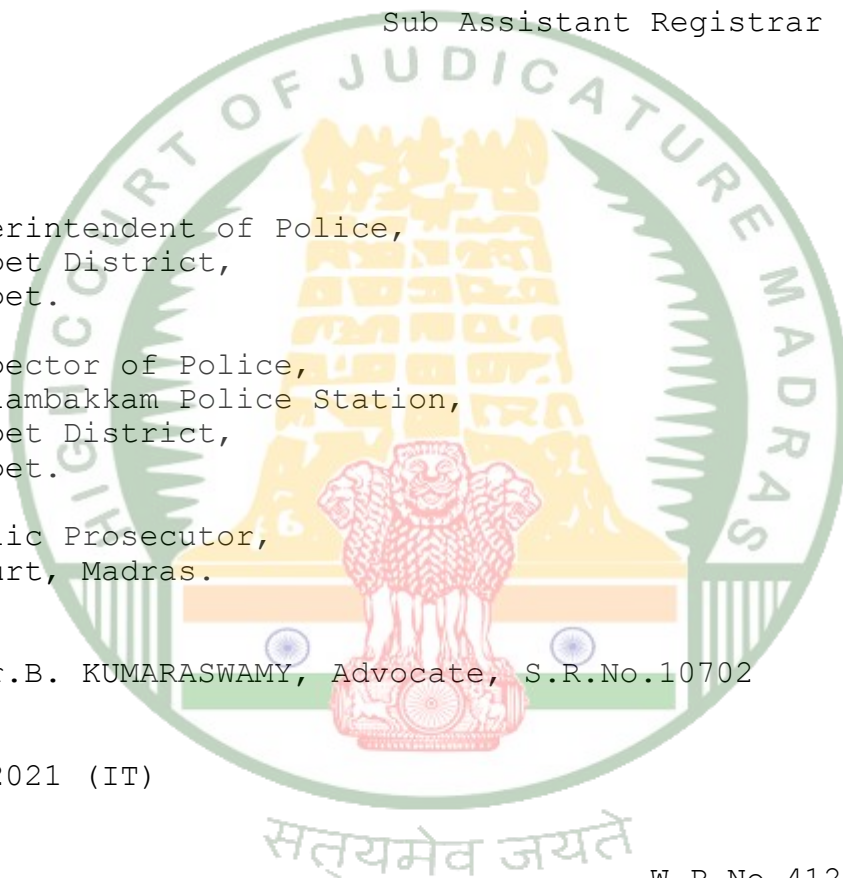
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To

- 1.The Superintendent of Police,
Chenglepet District,
Chenglepet.
- 2.The Inspector of Police,
E-8, Kelambakkam Police Station,
Chenglepet District,
Chenglepet.
- 3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.B. KUMARASWAMY, Advocate, S.R.No.10702

RGN(CO)
SM/25/02/2021 (IT)



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