

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 4650 of 2021

Kalavathy

... Petitioner

vs.

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

2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai 600 021.

3. G.Ashok

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to provide police protection for the purpose of repairing the house and to develop the property situate at No.25 (Old No.11), Parthasarathy Pillai Street, Old Washermenpet, Chennai 21, bearing Survey No.1973 part and R.S.No.1973/16 bounded by, East by: Shajatha Bils Property, West by: Abdul Hader property, North by: Parthasarathy Pillai Street and South by: Manniah Naidu House measuring to an extent of 800 sq. ft. and for peaceful enjoyment of the same based on petitioner representation dated 11.02.2021.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.C.Raghavan
Government Advocate, (Crl. Side)
for R1 & R2

O R D E R

This Writ Petition has been filed for the issue of a writ of Mandamus directing the second respondent to provide Police protection to the petitioner in order to enable the petitioner to carry out the repairs in the subject property based on the representation made by the petitioner on 11.02.2021.

2. It is seen from records that the vendor of the petitioner had a civil dispute against the father of the third respondent and a decree was passed in favour of the vendor of the petitioner and it was confirmed up to this Court in SA No.1296 of 2007. Thereafter an Execution Petition was filed before the Court below seeking for delivery of possession in EP No.1214 of 2019. The Execution Court issued a delivery warrant and the Court bailiff effected delivery on 19.12.2019 and the possession was handed over to the vendor of the petitioner. This was also recorded by the Execution Court and the Execution Petition was terminated by an order dated 21.01.2020.

3. The petitioner has thereafter purchased the property by way of a registered Sale Deed dated 04.02.2021. The grievance of the petitioner is that the third respondent, who is the son of the judgment debtor is causing threat and he is not allowing the petitioner to peacefully enjoy the property. The petitioner gave a complaint in this regard to the second respondent on 11.02.2021 and the same was taken on file in CSR No.43 of 2021. Thereafter, there was no action taken on the complaint and left with no other option, the present Writ Petition has been filed before this Court.

4. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the property has been handed over to the vendor of the petitioner by the Execution Court, there shall be a direction to the second respondent to call the parties for an enquiry and instruct the third respondent not to cause any threat to the petitioner and not to interfere with the possession and enjoyment of the property. The third respondent shall further be instructed to work out his remedy before the appropriate Court and not to take law in his own hands. If in spite of the same, the third respondent causes any threat or interferes with the possession and enjoyment of the property, suitable action shall be taken strictly in accordance with law. If required Police protection shall also be granted to the petitioner.

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 direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

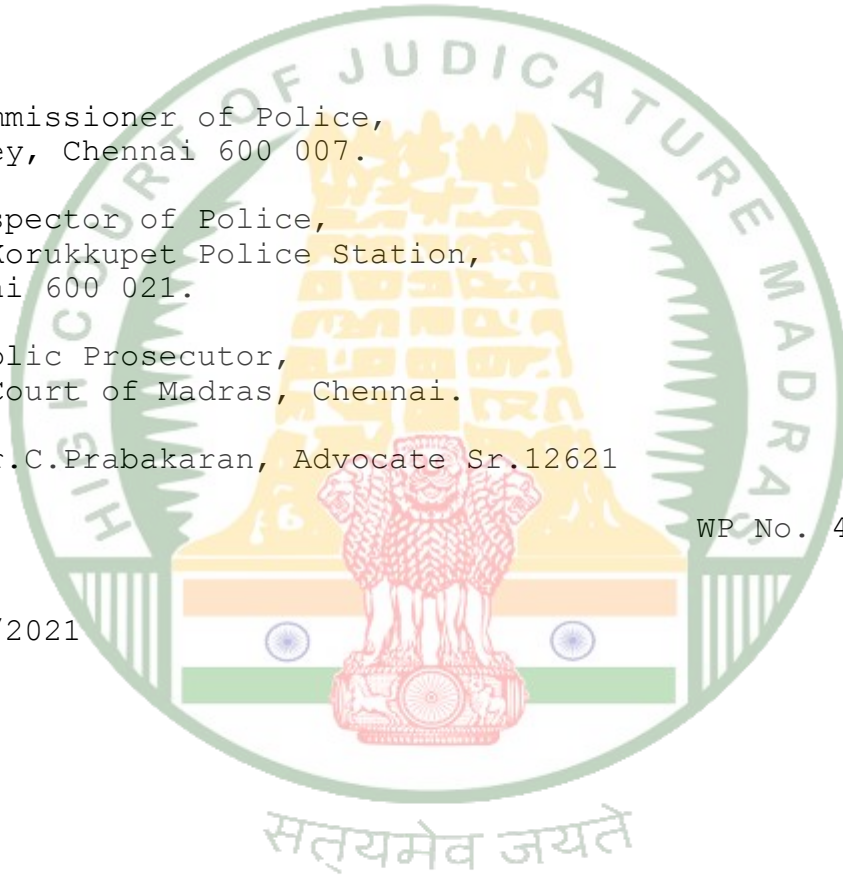
jv
To

1. The Commissioner of Police,
Veperay, Chennai 600 007.
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai 600 021.
3. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.C.Prabakaran, Advocate Sr.12621

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