

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.5423 OF 2021

M.Thambidurai

... Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu, Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Superintendent of Police,
Thiruvannamalai District,
Vengikkal, Thiruvannamalai - 606 604.
3. The Inspector of Police,
Dusi Police Station,
Dusi, Vembakkam Taluk,
Thiruvannamalai District.
4. Lakshmi
5. Dhanasekar
6. Kuppan
7. Murugan

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 21.09.2020 to provide police protection against the 4 to 7 Respondents and their men for disturbing the petitioner's possession as against the court order and inducing their men for preventing to do the petitioner's agricultural work of cultivation on the petitioner's lands.

For Petitioners : Mr.R.Anbalagan
For Respondents : Mr.C.Raghavan
Government Advocate
for R1 to R3

O R D E R

Mr.C.Raghavan, learned Government Advocate takes notice for the respondents 1 to 3.

2.The petitioner is seeking for police protection against the respondents 4 to 7 to restrain them from disturbing the possession and enjoyment of the subject property. According to the petitioner, a suit was filed against respondents 4 to 7 seeking for permanent injunction in O.S.No.297 of 2015 on the file of the Principal District Munsif, Cheyyar, Thiruvannamalai District. The suit was decreed ex-parte by a judgment and decree dated 07.07.2017. According to the petitioner this decree has become final.

3.The grievance of the petitioner is that in spite of the decree passed by the competent civil Court, respondents 4 to 7 are continuing to cause threat to the petitioner and disturbing the possession and enjoyment of the property. Hence, a complaint was given to the respondent police seeking for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court.

4.There shall be a direction to the 3rd respondent to call the parties for an enquiry and if the 3rd respondent finds that the judgment and decree passed in O.S.No.297 of 2015 has become final and there is no appeal pending, the 3rd respondent shall instruct respondents 4 to 7 not to cause any threat to the petitioner or to interfere with the possession and enjoyment of the subject property. If in spite of such instructions, the respondents 4 to 7 indulge in any adverse activities, action shall be taken against them in accordance with law. If any appeal has been filed or if any petition has been filed to set aside the ex-parte decree, the parties shall be relegated to the civil court to workout their remedy.

5.This writ petition is disposed of accordingly. No Costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Principal District Munsif,
Cheyyar, Tiruvannamalai District.
2. The Director General of Police,
Tamil Nadu,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
Thiruvannamalai District,
Vengikkal,
Thiruvannamalai - 606 604.
4. The Inspector of Police,
Dusi Police Station,
Dusi, Vembakkam Taluk,
Thiruvannamalai District.
5. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.R.Anbalagan, Advocate, S.R.No.13887

W.P.No.5423 of 2021

PCH(CO)
CS/07/04/2021



WEB COPY