

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4666 of 2021

A.Francis Prabhu
S/o.Alexander

.. Petitioner

-vs-

1.The Commissioner of Police,
Office of the Commissioner of Police,
EVK Sampath Road,
Vepery,
Chennai - 600 007.

2.The Station House Officer,
S-15, Selaiyur Police Station,
Selaiyur, Tambaram,
Chennai-600 059.

3.Sunshine Property Developer Private Limited,
Represented by its Director M.Prakash,
17, 1st Floor,
Anthony Street, East Tambaram,
Chennai-600 059.

4.J.K.Mohanraj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents 1 and 2 to provide police protection to prevent the continuing criminal trespass by the 4th respondent in the property of the petitioner at No.F3, Jayam Home, 25, Santhalakshmi Street, Rajeshwari Nagar, Selaiyur, Tambaram, Chennai-600 053 by acting in accordance with the directives issued in G.O.Ms.No.1580 dated 24.11.2008, Home (Pol VII) Department.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents : Mr.C.Raghavan,
Govt. Advocate for R1 and R2

ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus directing the respondent police to provide police protection in order to evict the fourth respondent from

the subject property on the ground that he has been inducted in the property illegally by the third respondent.

2. The learned counsel for the petitioner submitted that the third respondent is involved in many land grabbing cases and many criminal complaints are pending against him and the third respondent without any right for authority, has inducted the fourth respondent as a lessee in the subject property. The fourth respondent refused to vacate the premises and left with no other option, the petitioner gave a complaint to the respondent police seeking for police protection to take possession of the property.

3. The learned Government Advocate submitted that in a case of this nature, the police cannot interfere and the petitioner has to necessarily workout his remedy only before the competent civil court and seek for the eviction of the fourth respondent, even if the possession of the fourth respondent in the property is treated to be illegal.

4. This Court finds force in the submissions of the learned Government Advocate. The petitioner has to necessarily work out his remedy only before the competent civil Court. Even assuming that the possession of the fourth respondent in the subject property is illegal, even then, the possession can be taken only in accordance with law by approaching a competent civil court and the police cannot interfere in this matter.

5. The petitioner is given liberty to approach the competent civil court and workout his remedy. Except giving this liberty, no further orders can be passed in this writ petition.

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

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Office of the Commissioner of Police,
EVK Sampath Road,
Vepery,
Chennai - 600 007.

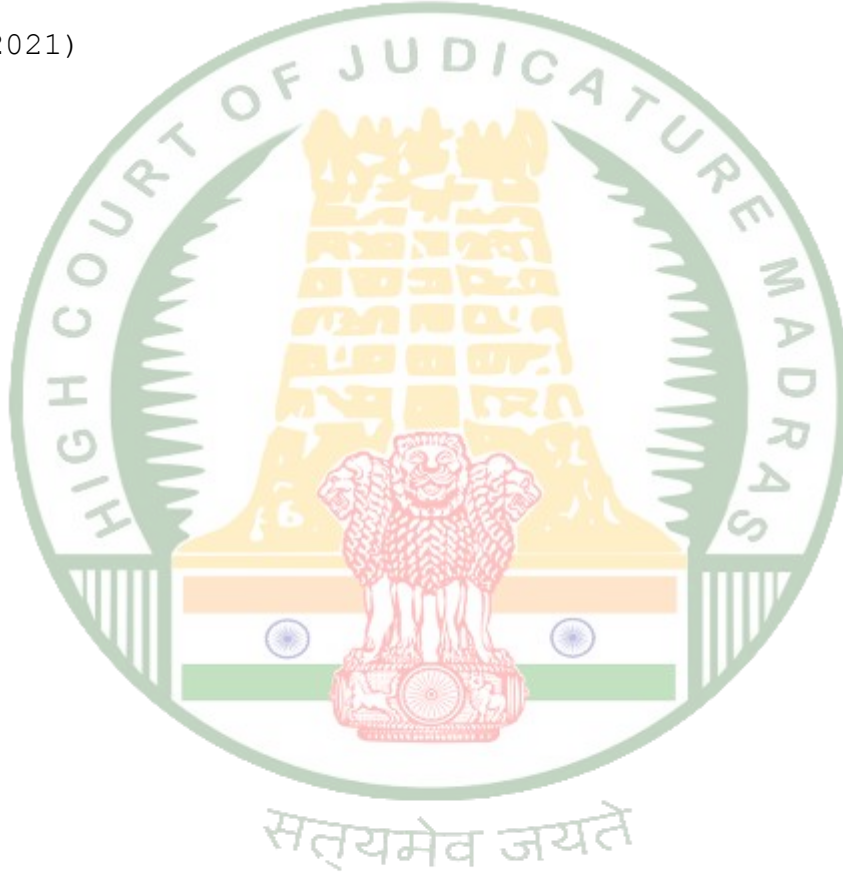
2.The Station House Officer,
S-15, Selaiyur Police Station,
Selaiyur, Tambaram,
Chennai-600 059.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Govind Chadrasedhar, Advocate SR.13355

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GPL (CO)
CB(31/03/2021)



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