

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5615 of 2021

S.R.Lalitha

...Petitioner

Versus

1.The Deputy Superintendent of Police,
Bhavani Sub Division,
Bhavani,
Erode District.

2.The Inspector of Police,
Chithode Police Station,
Erode District.

3.The Assistant Divisional Engineer,
National Highways,
Bhavani,
Erode District.

4.A.Sundararajan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, Directing the Respondents 1 and 2 to give Adequate police Protection to the 3rd Respondent in compliance with the Proceedings in NA.KA.A/6/2010 dated 18.1.2021, for evicting the 4th Respondent from the National Highways road by taking note of the undertaking dated 18.02.2020 given by the 4th Respondent.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R3

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondent police to provide police protection in order to enable the Highways Department to take possession of the subject property which is said to be in illegal occupation of the 4th respondent.

2. When the matter came up for hearing on 05.03.2021, this Court passed the following order:

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

2. It is seen from records that the fourth respondents was illegally running a Tea Shop in the Highways and he had given an undertaking on 18.02.2020 to remove the Shop. Based on the undertaking, the Police did not take any action. However, the fourth respondent went back on his undertaking and hence proceedings were initiated by the Highways Department to evict the fourth respondent by proceedings dated 27.07.2020. Since there was resistance, the Highways Department has also sought for Police Protection to the first respondent by their letter dated 18.01.2021. The grievance of the petitioner is that the first respondent has not provided any Police protection and as a result of the same, the fourth respondent is continuing to occupy the shop illegally.

3. Mr. Sanjeevi Moorthi, Sub Inspector of Police, was present at the time of hearing. Post this case under the caption 'for Reporting Compliance' on 08.03.2021.

3. Mr. Periyannan, Sub Inspector of Police was present at the time of hearing through Video Conferencing.

4. The learned Additional Public Prosecutor on instructions submitted that the respondent police will provide police protection to the Highways Department as to when the eviction is carried out by the 3rd respondent.

5. Taking into consideration the facts and circumstances of the case and the specific stand taken by

the respondent police, there shall be a direction to the 2nd respondent to provide police protection to the 3rd respondent to enable the 3rd respondent to evict the 4th respondent and take possession of the subject property. The petitioner shall make a fresh representation to the 3rd respondent along with copy of this order. A copy of the representation shall also be marked to the 2nd respondent. The entire process shall be completed within a period of four weeks from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Bhavani Sub Division,
Bhavani, Erode District.
2. The Inspector of Police,
Chithode Police Station, Erode District.
- 3.The Assistant Divisional Engineer,
National Highways, Bhavani,Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.MANOKARAN, Advocate, S.R.No.16322

(CO)
CA(/11/2016)
ssr
TK/15/04/2021

W.P.No.5615 of 2021