

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.6196 of 2021

Rajammal

..Petitioner

.Vs.

1.The State rep.by
The Superintendent of Police,
Tirupattur District,
Tirupattur.

2.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur, Tirupattur District.

3.The Tahsildar,
Tirupattur Taluk,
Tirupattur, Tirupattur District.

4.The Taluk Surveyor, Tirupattur Taluk,
Tirupattur, Tirupattur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to provide necessary police protection to the 4th respondent on the basis of petitioner's representation dt.06.02.2021 on par with the request made by the 3rd respondent.

For Petitioner : Mr.G.Jeremiah

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

ORDER

This writ petition has been filed for a direction to the respondent Police to provide police protection pursuant to the representation dt.06.02.2021.

2.It is seen from records that the petitioner who is the owner of the subject property filed a suit in O.S.No.114 of 2018, before the District Munsif Court, Tirupattur, seeking for the relief of declaration and permanent injunction against Mr.Vijaya Kumar and 8 others. The trial Court decreed the suit as prayed for by a judgment and decree dt.18.11.2019.

3.The petitioner filed a Execution Petition before the Court below on the ground that the defendants are interfering with the possession and enjoyment of the property and they are not allowing the petitioner to survey the property. The Execution Court by an order dt.21.09.2020, directed the respondent Police to grant necessary protection as sought for by the petitioner.

4.The grievance of the petitioner is that inspite of the orders passed by the Execution Court, the respondent Police did not grant any police protection. That apart, even the Tahsildar made a request to the respondent Police to grant police protection at the time of survey and this was also not complied with by the respondent police. Left with no other option, the present writ petition has been filed before this Court.

5.Heard Mr.Mr.G.Jeremiah, learned counsel for petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondents.

6.Taking into consideration the facts and circumstances of the case and also of the fact that there is a decree in favour of the petitioner passed by a competent civil court and there is also an order of the Execution Court directing the police to grant police protection, there shall be a direction to the 2nd respondent to grant police protection to enable the petitioner to survey the subject property through the revenue officials. If there is any disturbance at the time when the survey is conducted or if any threat is exerted by anyone, the 2nd respondent shall immediately take action strictly in accordance with law. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP
To

- 1.The Superintendent of Police,
Tirupattur District,
Tirupattur.
- 2.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur, Tirupattur District.
- 3.The Tahsildar,
Tirupattur Taluk,
Tirupattur, Tirupattur District.
- 4.The Taluk Surveyor, Tirupattur Taluk,
Tirupattur, Tirupattur District.
- 5.Public Prosecutor
High Court, Madras.

सत्यमेव जयते

W.P.No.6196 of 2021

KJ[CO]
SRG 15/03/2021

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