

W.P.No.6119 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6119 of 2021

S.Muhammed Ashrafudeen,

S/o.Mr.Serifudden

.. Petitioner

-VS-

1.The State by

The Inspector of Police,
K5, Peravallur Police Station,
Peravallur, Chennai.

2.The Deputy Commissioner of Police,
Puliyanthope Range,
Otteri, Chennai.

3.The Commissioner of Police,
Office of Commissioner of Police,
Vepery, Chennai.

4.Mr.C.Alexander

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing respondents 1 to 3 herein to provide adequate police protection to the petitioner life and property for putting up construction and other allied works in O;d No.39, New No.12, GKM Colony 27th Street, GKM Colony, Pervallur, Chennai-600 082 comprised in S.No.14, Konnur Village, Ayanavaram Taluk.

For Petitioner : Mr.N.R.Kaushik

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

ORDER

This writ petition has been filed for issuance of writ of Mandamus directing the respondent to provide police protection to the petitioner pursuant to the complaint given by the petitioner on 19.02.2021.

2. The case of the petitioner is that the subject property forms part of a civil litigation, which ultimately ended in a court auction sale conducted in E.P.No.714 of 2008 before the X Assistant Judge, City Civil Court, Chennai. The auction was conducted through the court and the same was purchased by the vendor of the petitioner. A registered sale certificate was also executed on 05.02.2008.

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3. The further case of the petitioner is that he purchased the subject property from the auction purchaser by virtue of a registered sale deed dated 19.12.2019. In the mean time, the mother of the fourth respondent namely, Annammal had resisted

the auction sale and the same was rejected and it was confirmed by this Court in CRP NPD No.2623 of 2013 by an order dated 27.02.2017.

4. The grievance of the petitioner is that the fourth respondent who has absolutely no right or authority over the property, with the help of local henchmen is preventing the petitioner from putting up any construction in the property. The petitioner gave a complaint in this regard to the respondent police. Since the same was not acted upon, the present writ petition has been filed before this Court seeking appropriate directions.

5. Heard Mr.N.R.Kaushik, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents 1 to 3.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the court auction sale has been confirmed upto this Court and the attempt made by the mother of the fourth respondent to resist the same, has been rejected by this Court in CRP NPD No.2623 of 013, the first respondent is directed to

call the parties for an enquiry and instruct the fourth respondent not to cause any threat to the petitioner or interfere with the possession and enjoyment of the property. If in spite of such instructions, the fourth respondent or his men and agents involve in any threat or interfere with the possession and enjoyment of the property, immediately action shall be taken strictly in accordance with law. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order. If there is any potential threat to the petitioner, the first respondent shall also provide police protection and if any charges are payable for the same, the petitioner shall pay the charges to the first respondent.

7. This writ petition is disposed of with the above directions.

No costs.

सत्यमेव जयते

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Speaking Order/Non-Speaking Order

Index : Yes/No

Internet : Yes/No

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To

- 1.The The Inspector of Police,
K5, Peravallur Police Station,
Peravallur, Chennai.
- 2.The Deputy Commissioner of Police,
Puliyanthope Range,
Otteri, Chennai.
- 3.The Commissioner of Police,
Office of Commissioner of Police,
Vepery, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

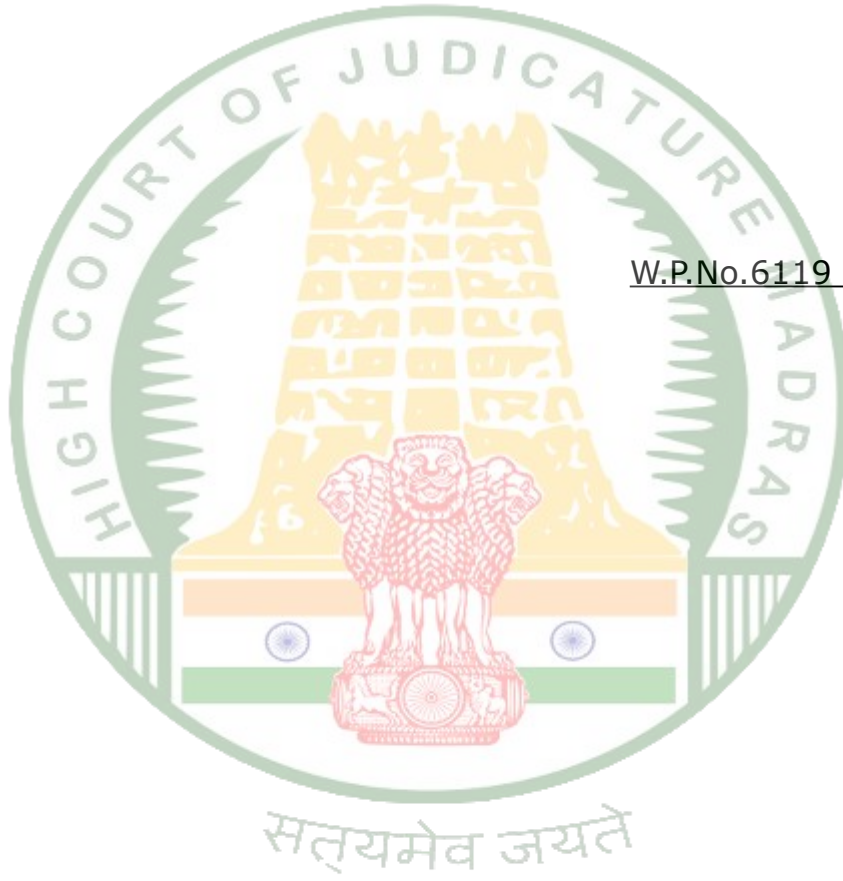


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