

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.6553 of 2021

Varalakshmi, W/o.V.G.Jayapal

.. Petitioner

vs.

1. The State rep. By
The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.

2. The State rep. By
Inspector of Police,
Sholinghur Police Station,
Ranipet District.

3. N.Shamugam,
S/o. Gorakka Narasimha Reddi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent to give police protection of reconstruction of wall based on the complaint lodged by the petitioner dated 31.12.2020 in C.S.R.No.466 of 2020 and the consequential letter dated 06.01.2021 on the file of the 1st respondent, Ranipet.

For Petitioner : Mr.Sivanandam

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor for R1&R2

Mr.S.Anburaja for R3

ORDER

This writ petition has been filed for issuance of writ of Mandamus directing the respondent police to provide police protection to the petitioner to enable the petitioner to reconstruct the wall in the subject property.

2. The case of the petitioner is that she is the absolute owner of subject property. The third respondent filed a suit against the petitioner and two others in O.S.No.2 of 1992 before

the District Munsif Court, Sholinghur, seeking for the relief of declaration and for mandatory injunction. The suit was decreed as prayed for by judgment and decree dated 21.04.2004. Aggrieved by the same, the petitioner and other defendants filed an appeal in A.S.No.10 of 2006 before the Additional District Judge (FTC II), Ranipet. The appeal was partly allowed by judgment and decree dated 24.01.2011 and the appellate Court modified the relief of mandatory injunction and possession by directing the petitioner and other defendants to pay a compensation of Rs.50,000/-.

3. Aggrieved by the decree passed by the Appellate Court, the third respondent approached this Court by filing S.A.No.671 of 2011. This Court, disposed of the second appeal by judgment and decree dated 01.04.2019. This Court modified the decree of the first Appellate Court by enhancing the compensation from Rs.50,000/- to Rs.1,00,000/- and also further directed to pay interest on the said amount at the rate of 9% p.a. from 01.03.2011 till the date of payment. The case of the petitioner is that the amount of Rs.1,75,000/- has also been deposited before the Court below and the relevant receipts given by the Court has also been filed at page No.38 of the typed set of papers.

4. The grievance of the petitioner is that when she along with her husband had gone out-of-station, the third respondent had illegally demolished the entire wall. Hence, a complaint came to be given before the respondent police on 31.12.2020 and the same was acknowledged by the respondent police by issuing CSR No.466 of 2020.

5. The petitioner wanted to construct the wall and she apprehended that the third respondent will again cause hindrance or cause threat and hence, a fresh complaint was given seeking for police protection to construct the wall. This complaint was not acted upon and left with no other option, the present writ petition has been filed before this Court.

6. Heard Mr.Sivanandam, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for Respondents for respondents 1 and 2 and Mr.S.Anburaja for respondent 3.

7. Taking into consideration the facts and circumstances of the case and also of the fact that this Court had permitted the existence of the wall in favour of the petitioner and had directed the petitioner to pay compensation to the third respondent and the same was also been deposited before the concerned Court, there shall be a direction to the second respondent to call the parties for an enquiry and specifically

instruct the third respondent not to interfere in the petitioner putting up of the compound wall in the property. If in spite of such instructions, the third respondent indulges in any threat or prevents the petitioner from acting upon the decree passed in her favour by this Court, necessary action shall be taken immediately in accordance with law.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif,
Sholighur.
- 2 The Additional District Judge, (FTC-II),
Ranipet.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
4. The Inspector of Police,
Sholinghur Police Station,
Ranipet District.
5. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.16306.

GPL(CO)
CSR 01.04.2021

W.P.No.6553 of 2021