

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7466 of 2021

S.Srimathy,
Wife of Sivaraman

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
62, Old Post Office Road,
Coimbatore.
2. The Inspector of Police,
Perianaickenpalayam Police Station,
Coimbatore.
3. The Tahsildar, Coimbatore North,
Taluk Officer, Dr.Balasundram Road,
Gopalapuram, Coimbatore.
4. M.Vallinayagam,
Son of Muthuramalingam
5. V.Rajam, Wife of M.Vallinayagam
6. S.Muruganantham, Son of Shanmugham
7. P.Selvaraj, Son of Periyasamy
8. S.Suseela, Wife of Murugesan
9. P.Chinnasamy, Son of Palaniswamy
10. J.Paranjothi Ramalingam, Son of Jambunathan ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus to direct the 1st and 2nd respondents to provide police protection to the petitioner for carrying out a survey of her property situated at No.30, Ananda Nagar, Perianaickenpalayam, Coimbatore.

For Petitioner : Mr. Sharath Chandran

For Respondents: Mr.C.Raghavan,
Government Advocate

O R D E R

This petition has been filed to direct the 1st and 2nd respondents to provide police protection to the petitioner for carrying out a survey of her property situated at No.30, Ananda Nagar, Perianaickenpalayam, Coimbatore.

2. The case of the petitioner is that she is the absolute owner of the subject property and the private respondents who had no semblance of right, started interfering with the possession and enjoyment of the property. The petitioner filed a suit against them in O.S.No.145 of 2021 before the II Additional District Munsif Court, Coimbatore and in the said suit, an order of injunction was also granted in favour of the petitioner on 02.02.2021.

3. The grievance of the petitioner is that in spite of of the injunction granted in favour of the petitioner, the petitioner is not permitted to survey the property and the private respondents are causing threat to the Surveyor who came to the property to conduct the survey. The complaint was given to the respondent police and there was no response. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate for the Respondents 1 to 3.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is an order of injunction operating in favour of the petitioner, there shall be a direction to the second respondent to call the parties for an enquiry and instruct respondents 4 to 10 not to interfere with the possession and enjoyment of the property and if in spite of the same, any threat is exerted by the private respondents, action shall be taken against them immediately. The second respondent shall also provide police protection at the time when the survey is conducted by the third respondent, if there is any resistance from the private respondents.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
62, Old Post Office Road,
Coimbatore.
2. The Inspector of Police,
Perianaickenpalayam Police Station,
Coimbatore.
3. The Tahsildar, Coimbatore North,
Taluk Officer, Dr.Balasundram Road,
Gopalapuram, Coimbatore.
4. The Public Prosecutor
High Court, Madras.

+1cc to M/s.Govind Chandrasekar, Advocate Sr.No.18833

W.P.No.7466 of 2021

PL(CO)
NR 21/04/2021

सत्यमेव जयते

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