

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.6723 of 2021

R.Sriram,
S/o. Ragupathy

.. Petitioner

vs.

1. The Commissioner of Police,
Poonamallee High Road,
Vepery, Chennai-600 008.

2. The Inspector of Police,
Chrompet Police Station,
Chrompet, Chennai-600 044.

3. Saraswathi,
S/o.Senthil Kumar

4. Senthil Kumar,
S/o.Veluswamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to provide police protection to the property bearing Flat Nos.G1, G2, G3, F1, F2 & F3 in 'A' Block and G1, G2 & F1 in 'B' Block comprised in S.No.374 as per Patta No.65, S.No.374/1, as per Patta No.2814 S.No.374/1A2, measuring to an extent of 4398 sq.ft. (10 cents) situated at Old Village No.163, New Village No.130, Thiruneermalai Village, Durga Nagar, Tambaram Taluk, Kancheepuram District now Chengalpet District.

For Petitioner : Mr.S.Sathyaraj

For Respondents: Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the second respondent to provide police protection to the subject property based on the complaint given by the petitioner on 29.01.2021.

2. The case of the petitioner is that he along with nine others purchased apartments during the period 2010 to 2012. The petitioner had also let out the apartment on lease to a tenant.

3. The further case of the petitioner is that the third and fourth respondents, who had not right over the subject property, started interfering with the possession and enjoyment of the property and hence, all the 10 flats owners filed the suit in O.S.No.67 of 2015 before the Principal District Munsif Court, Alandur against the third and fourth respondents. The suit was decreed ex parte by judgment and decree dated 31.08.2016. According to the petitioner, this decree has become final and the same has not been challenged by the third and fourth respondents. While so, it is alleged that the third and fourth respondents illegally entered into the property along with some rowdy elements on 29.12.2020 and went to the extent of breaking open the lock of the flat belonging to the petitioner. The petitioner gave a complaint in this regard and sought for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court.

4. Heard Mr.S.Sathyaraj, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents 1 and 2.

5. Taking into consideration the facts and circumstances of the case and also of the fact that there is a decree passed in favour of the petitioner and others and the third and fourth respondents have been restrained from interfering with the possession and enjoyment of the petitioner's property, the second respondent is directed to call the parties for an enquiry and direct the third and fourth respondents to workout their remedy before the competent civil Court and not cause any threat to the petitioner or interfere with the possession and enjoyment of the subject property. If in spite of such instructions, the third and fourth respondents continue to exert threat on the petitioner, action shall be taken against them strictly in accordance with law.

6. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

7. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Poonamallee High Road,
Vepery, Chennai-600 008.

2. The Inspector of Police,
Chrompet Police Station,
Chrompet, Chennai-600 044.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Venkatesan, Advocate Sr.No.16620

W.P No.6723 of 2021

PL(CO)
NR 21/04/2021



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