

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. No.7254 of 2021

Mr.R.Govindarajan

... Petitioner

vs.

1. Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.

2. Assistant Commissioner of Police,
Madipakkam,
Chennai.

3. Inspector of Police,
S10, Pallikaranai Police Station,
Pallikaranai.

4. D. Francis

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 3rd respondent to give police protection to the petitioner's land comprised in survey No.251/1A2A, situated at Nanmanagalam Village, presently Sholinganallur Taluk (previously Saidapet Taluk) presently Chengalpattu District (Previously Kancheepuram District) Plot No.37, to the extent of 2370 Square Feet under registered sale deed Document No.1302/1993 and Plot No.36, to the extent of 2220 Square Feet stands in the name of petitioner's wife under registered sale deed Document No.1303/1993, based on the petitioner's written request dated 11.02.2021 pending on the file of the 2nd and 3rd respondents.

For Petitioner : Mr.G.Peranban

For Respondents: Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R 1 to R 3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondent police to give police protection to the property belonging to the petitioner by considering the representation made by the petitioner on 11.02.2021.

2.The case of the petitioner is that he is the owner of the subject property by virtue of a registered Sale Deed dt.26.03.1993. The further case of the petitioner is that the adjacent property was purchased by his wife by virtue of a registered Sale Deed dt.26.03.1993. An attempt was made by the 4th respondent and he attempted to encroach upon the property. The petitioner and his wife filed independent suits before the Principal District Munsif, Alandur in O.S.No.109/2012 and OS.No.111/2012 respectively. Both the suits were decreed ex parte by a judgment and decree dt.13.10.2015 and 17.06.2016 respectively.

3.The grievance of the petitioner is that in spite of the decree passed in favour of the petitioner and his wife, the private respondent is causing threat and is attempting to interfere with the possession and enjoyment of the property. Therefore, the petitioner made a representation to the respondent Police on 11.02.2021, seeking for police protection. Since the same was not considered, the present writ petition has been filed before this Court.

4.Heard Mr.G.Peranban, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

5.Taking into consideration the facts and circumstances of the case and also the decree passed by the Competent Civil Court in favour of the petitioner and his wife, there shall be a direction to the 3rd respondent to call the parties for an enquiry and specifically instruct the 4th respondent not to cause any threat or interfere with the possession and enjoyment of the property of the petitioner and his wife. He shall be specifically instructed to workout his remedy strictly in accordance with law. If the 4th respondent has already taken steps to set aside the ex parte decree or has filed an appeal against the decree passed by the Court below, the respondent Police shall leave the parties to workout their remedy before the Competent Civil Court. In the absence of the same, the 4th respondent shall be instructed not to take law into his own hands and cause threat to the petitioner and his wife. If in spite of the instructions given by the 3rd respondent, the 4th

respondent indulges in any act of threat, action shall be taken against him strictly in accordance with law.

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

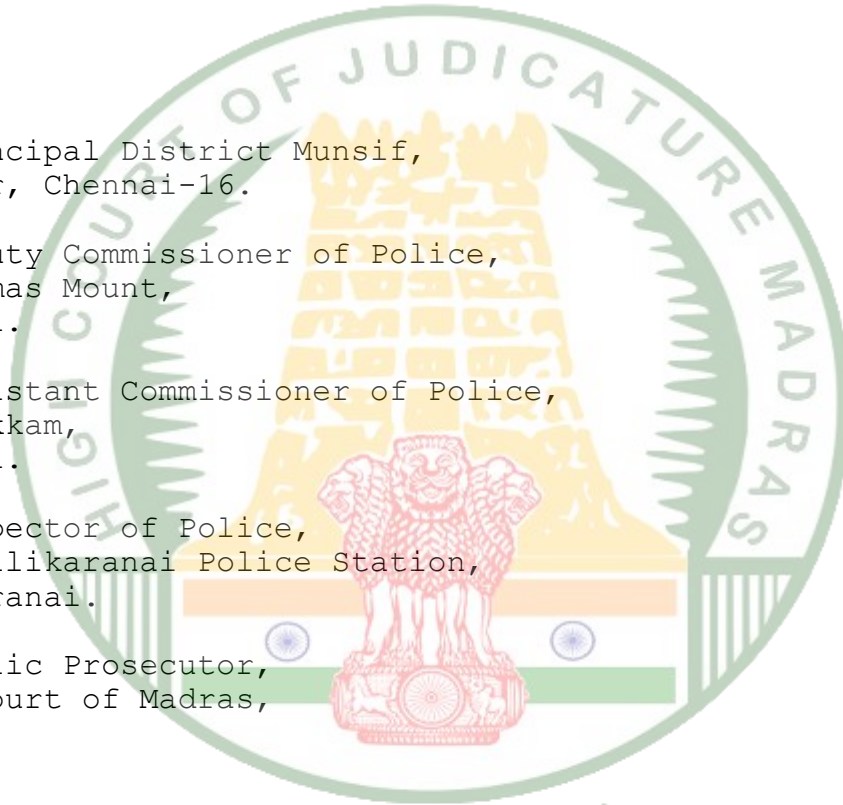
Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KP
To

- 1.The Principal District Munsif,
Alandur, Chennai-16.
- 2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.
- 3.The Assistant Commissioner of Police,
Madipakkam,
Chennai.
- 4.The Inspector of Police,
S10, Pallikaranai Police Station,
Pallikaranai.
- 5.The Public Prosecutor,
High Court of Madras,
Madras.



सत्यमेव जयते

W.P. No.7254 of 2021

BS (CO)
srg 15/04/2021

WEB COPY