

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9664 of 2021

Varusai gani

...Petitioner

Versus

- 1.The Commissioner of Police,
Vepery, Chennai.
- 2.The Joint Commissioner of Police,
O/o Joint Commissioner office(North)
T.H.Road, Tondiarpet,
Chennai.
- 3.The Deputy Commissioner of Police,
North Beach Road, B-1, Police Station Campus,
Parrys, Chennai.
- 4.The Inspector of Police,
N-3, Muthayalpet Police Station,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 4th respondent to consider the petitioner's representation dated 21.01.2021 and execute the order in E.A.Nos.91, 92, 93, 94, 95 & 96 of 2018, dated 29.06.2018 passed by the learned XIV Small Cause Judge, Chennai.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

The petition is filed seeking a direction to direct the 4th respondent to consider the petitioner's representation dated 21.01.2021 and to execute the order passed in E.A.Nos.91, 92, 93, 94, 95 & 96 of 2018, dated 29.06.2018 by the learned XIV Small Cause Judge, Chennai.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (crl.side) appearing for the respondents and perused the materials available on record.

3.It is seen that the petitioner obtained a order from the Civil Court on 29.07.2018 in E.A.No.95 of 2015 to break open the lock on the doors of the premises bearing Old No. 44 and 45, New No. 95 and 97, P.G. Church Street, Seven Wells, Chennai and to grant police aid by directing the Inspector of Police, Muthialpet Police Station, Chennai and to take possession of the property. Thereafter in EA.No.96 of 2018, police protection was ordered. Despite the same, the respondent police have not given effective protection. According to the petitioner, the court below specifically ordered that as per the bailiff report, the warrant could not be executed and therefore directed the respondent to provide police protection.

4.This Court finds that the Civil Court issued an order in favour of the petitioner. Further, in view of the same, as per the Radhika and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore and 12 others reported in 2014 (2) CTC 695. this Court directs the petitioner to approach the Civil Court, based on the order, the respondent shall give police protection to execute the order of the Civil Court.

5.With the above observation, the Writ Petition is disposed of.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

klt

To

1.The Commissioner of Police,
Vepery, Chennai.

2.The Joint Commissioner of Police,
O/o Joint Commissioner office(North)
T.H.Road, Tondiarpet,
Chennai.

3.The Deputy Commissioner of Police,
North Beach Road, B-1, Police Station Campus,
Parrys, Chennai.

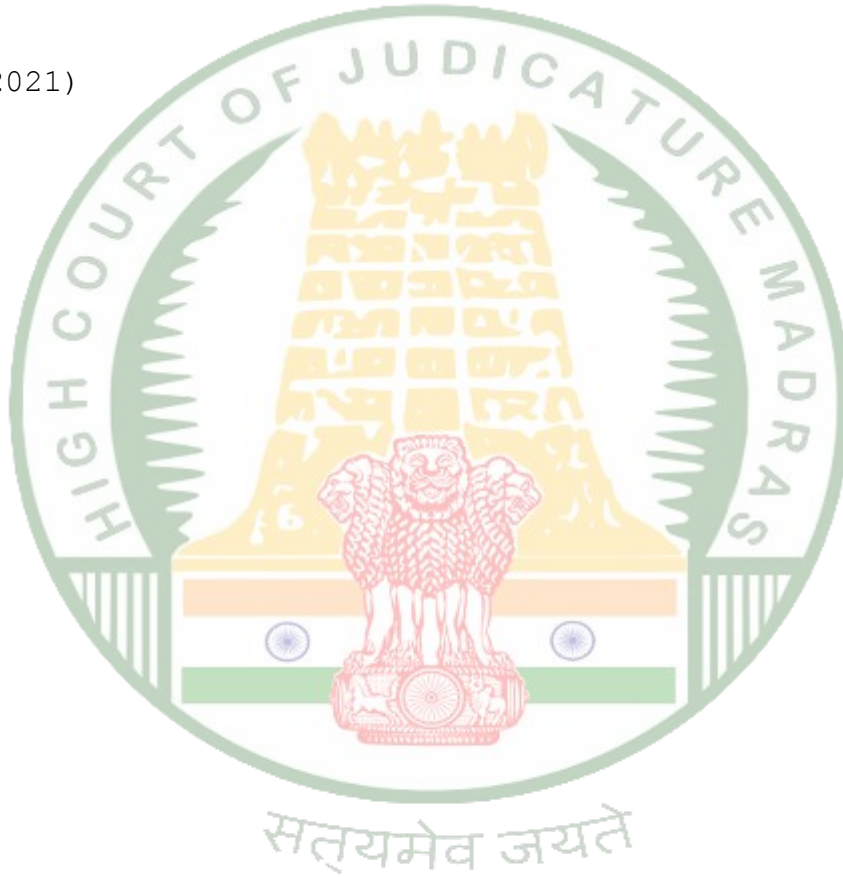
4.The Inspector of Police,
N-3, Muthayalpet Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.T.S. Sivakumar, Advocate sr 23552.

W.P.No.9664 of 2021

UM(CO)
SP(09/07/2021)



WEB COPY