



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.17972 OF 2021

R.Akiladevi

... Petitioner

.Vs.

1. The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam,
Namakkal District.

2. Subramani
3. Dhanam
4. Chandiran
5. Vijaya
6. Nandhakumar @ Annadurai
7. Radha

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to grant police protection to the petitioner property comprised in Old S.No.280/2 in New S.No.280/2F in Plot Nos.40,41,42 on total extent of 3825 Sq.Ft., situated at Arulvelavan Nagar, Nagarpalayam Village, Thiruchengodu Taluk, Namakkal District, based on the complaint dated 18.08.2021 made by the petitioner within a reasonable time.

For Petitioner : Mr.C.B.Muralikrishnan

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Writ Petition is filed seeking direction to direct the first respondent to grant police protection to the petitioner property comprised in Old S.No.280/2 in New S.No.280/2F in Plot Nos.40,41,42 on total extent of 3825 Sq.Ft., situated at



Arulvelavan Nagar, Nagarpalayam Village, Thiruchengodu Taluk, Namakkal District, based on the complaint dated 18.08.2021 made by the petitioner within a reasonable time.

2. The contention of the petitioner is that the petitioner is a rightful owner of the above said property. The petitioner has filed an injunction suit before the Sub Court, Thiruchengodu in O.S.No.88 of 2015 and obtained an order in her favour. The respondent Nos.2 to 7 earlier created forged documents and filed a suit in O.S.No.75 of 2013 for specific performance. Initially both the cases were filed separately before the Sub Court, Thiruchengodu and thereafter both the suit in O.S.No.75 of 2013 and O.S.No.88 of 2015 were jointly tried by the Sub Court, Thiruchengodu and by way of a common Judgment on 18.08.2020, the specific performance suit filed by R2 to R7 in O.S.No.75 of 2013 was dismissed and the suit filed by the petitioner in O.S.No.88 of 2015 was ordered in favour of the petitioner and granted permanent injunction. Thereafter too in defiance to the Civil Court Judgment, the respondent Nos.2 to 7 encroached upon the property of the petitioner. Hence on 15.10.2020 the petitioner made a complaint before the first respondent and the first respondent had issued the CSR.No.136 of 2020 on 04.12.2020 and no proper action has been taken.

3. Again the respondent Nos.2 to 7 had attempted to encroach upon the property of the petitioner, thereafter the petitioner had filed a Execution Petition in E.P.No.78 of 2020 for Contempt of Court as against the respondent Nos.2 to 7. Despite the same on 15.08.2021, the respondent Nos.2 to 7 are attempting to encroach upon the property of the petitioner and disturb the petitioner's enjoyment and prevent the petitioner to put up fence in the above said land and hence, she had lodged a complaint to the respondent police on the same day. The respondent police had not taken any action. The respondent Nos.2 to 7 are continuously attempting to disturb the petitioner's enjoyment over the property, since, the respondent police had not taken any action. The CSR.No.136 of 2020 was closed after enquiry.

4. The respondent Nos.2 to 7 created problem in the petitioner's land and damaged the agriculture field and feed for cow which was stored in the vacant land of the petitioner on 18.08.2021 and some rowdy elements came to the street with an intention to take away the petitioner's possession in the land and in the above said situation the petitioner has sent a complaint dated 18.08.2021 to the first respondent through post. The petitioner had furnished the necessary documents in support of her complaint. Hence this Writ petition is filed.



5. Heard the learned counsel for the petitioner and the learned Government Advocate [Crl. Side] for the respondent police.

6. Considering the submission and on perusal of the materials, this Court finds that the petitioner is armed with the Civil Court Order. The respondent police has to give proper direction to the petitioner by following the case of Radhika Sri Hari and another Vs. The Commissioner of Police and others reported in 2014 2 CTC 695 and also directed the respondent Nos.2 to 7 not to indulge any such activities.

7. With the above observation, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ah

To

1. The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.

W.P.NO.17972 OF 2021

KG(CO)
PBS/21/09/2021