



WP.No.36170 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.36170 of 2015 &

M.P.Nos.1 & 2 of 2015

Kannammal

...Petitioner

... Vs ...

1. The State Rep. by The Secretary to Government,
Government of Tamilnadu, Home Department,
Fort St. George, Chennai – 600 009.
2. The Director General of Police,
Opp. To Light House, Dr.Radhakrishnan Salai,
Mylapore, Chennai.
3. The District Collector,
Villupuram District, Villupuram.
4. The Superintendent of Police,
Villupuram District, Villupuram.
5. Mr.Sowlesh,
The Inspector of Police,
Dindivanam Police Station,
Dindivanam, Villupuram District.



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6. Mr.Maruthappan,
Sub Inspector of Police,
Olakkoor Police Station,
Dindivanam, Villupuram, District.

7. Mr.Murugan

8. Mr.Krishnan

...Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue Writ of Mandamus to direct the second respondent herein to take action against the respondents 5 to 6 and to forbearing the respondents 5 to 6 from preventing the petitioner from entering her property in Survey No.15/6-B for an extent of 0.31.0 Ares in resurvey number 15/6, in Old Survey number 15/8A, in patta number 73, Nangunam Village, Tindivanam Taluk, Vullupuram District and also direct the respondents to provide compensation for a sum of Rs.5,00,000/- [Five lakhs] as a damages to the petitioner, towards the damages caused to the petitioner due to the inaction on the part of the respondents number 4 to 6 particularly the respondent number six, damaging the petitioner's motor pump set, electricity meter board, pipe line, wiring, crops etc., contrary to the judgment and decree in O.S.No.71 of 2008 on the file of the District Munsif Court, Tindivanam.

For Petitioner : Mr.S.Kingson Jerold

For Respondents : Ms.Rajarajeshwari
Government Advocate – R1, R2 & R4

Mr.R.Sathish,



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Additional Government Pleader – R3

No appearance – R5, R7 & R8

R6 – Not ready in notice

ORDER

This Writ Petition has been filed to direct the second respondent herein to take action against the respondents 5 to 6 and to forebear the respondents 5 to 6 from preventing the petitioner from entering her property and also direct the respondents to provide compensation for a sum of Rs.5,00,000/- [Rupees Five lakhs only] as damages to the petitioner, towards the damages caused to the petitioner due to the inaction on the part of the respondents number 4 to 6 particularly the respondent number six, damaging the petitioner's motor pump set, electricity meter board, pipe line, wiring, crops etc., contrary to the judgment and decree in O.S.No.71 of 2008 on the file of the District Munsif Court, Tindivanam.

2. It is the contention of the petitioner that he is in possession to an extent of 0.31.0 Ares in Survey Nos. 15/6-B &15/8A in patta No.73 Nangunam Village and he has also filed a suit for declaration in O.S.No.71 of 2008 and despite the decree and judgment, the seventh and eighth



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respondents are trying to interfere with his possession. Therefore, he has preferred a complaint with the fourth respondent. However, no action has been taken on the complaint preferred by the petitioner. Hence, this Writ Petition.

3. At the outset, this Court is of the view that when the writ petitioner has obtained a decree for declaration and injunction, if there is any violation of such decree, the decree can be enforced in the Civil Court and the violators can be brought under law. Therefore, there cannot be any direction to take action on the basis of the representation given by the petitioner. It is well open to the petitioner to execute the decree in the manner known to law against the violators.

4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

26.10.2022

vrc

To,



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