



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11804 of 2022

M.Rajeswari

...Petitioner

Vs.

1. The Superintendent of Police,  
Erode District.
2. The Inspector of Police,  
Erode North Police Station,  
Erode District.
3. Subramani
4. Ganesan
5. Chellammal

...Respondents

PRAYER : Writ petition filed under Section 226 of Constitution of India to issue a writ of Mandamus directing the respondents 1 and 2 herein to provide police protection to the petitioner to put up a barbed fence around his property comprised in Old SF No.85, New S.F.No.130/2A, 130/2B measuring to an extent of 116.50 cents situated in Periyasemur Village, Erode Taluk by considering the representation dated 28.03.2022.

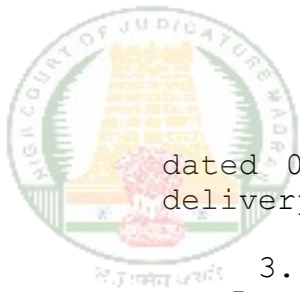
For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.E.Raj Thilak  
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for police protection.

2. The case of the petitioner is that the subject property was allotted in favour of Saraswathi and Lakshmi through a final decree passed in a partition suit. The decree passed in the partition suit was challenged by respondents 3 to 5 in AS No.131 of 2008 and the same was also dismissed by judgment and decree



dated 07.07.2010. Thereafter, execution petition was filed and delivery was effected to the decree holders.

3. The grievance of the petitioner is that respondents 3 to 5, who had lost before the Competent Civil Court, started causing threat to the petitioner and also damaged the boundary stones in the subject property. The petitioner and her sister gave a complaint to the 2<sup>nd</sup> respondent in this regard and no action was taken. Even thereafter, repeated complaints were given and the matter was kept at the stage of CSR and no effective action was taken. Left with no other option, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

5. In the considered view of this Court, once a valid decree is passed by a competent Civil Court and the property has been allotted and delivery has been recorded in the execution proceedings, the rival parties cannot take law into their own hands and cause threat or interference into the property. This Court has repeatedly held that in cases of this nature, the police is expected to give protection since there is already a Civil Court decree in favour of petitioner.

6. The respondents 3 to 5 should agitate their rights only before a Competent Court and they cannot be allowed to cause threat to the petitioner and interfere with the possession and enjoyment of the suit property.

7. In view of the above discussion, there shall be a direction to the 2<sup>nd</sup> respondent to call the parties for an enquiry and inform respondents 3 to 5 not to cause threat or interfere with the possession and enjoyment of the petitioner in the subject property. If inspite of the same, the respondents 3 to 5 continues to cause threat or interfere with the subject property, action shall be taken against them in accordance with law. If required, police protection shall also be given.

8. This writ petition is disposed of with the above directions.

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar



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To:

WEB COPY

- 1.The Superintendent of Police,  
Erode District.
- 2.The Inspector of Police,  
Erode North Police Station,  
Erode District.
- 3.The Public Prosecutor,  
High Court, Madras-104.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.31568

W.P.No.11804 of 2022

NRJK (CO)  
SB (26/05/2022)