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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12555 of 2022

C.Kalaimani

...Petitioner

Vs.

State of Tamil Nadu

Rep. by Inspector of Police (Law & Order)

T12 Poonamallee Police Station,

Poonamallee, Chennai - 600056.

...Respondent

Prayer: This Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondent police to give police protection to the petitioner for the purpose of demolishing the existing old superstructure comprised in Survey No.1244 bearing Door No.18/33, Amman Koil Street, Kumananchavadi, Poonamallee, Chennai-600056 as per the demolition order dated 23.02.2022, passed by the Poonamallee Municipality.

For Petitioner : Mr.V.Premkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to the respondent police to give police protection to the petitioner for the purpose of demolishing the existing old superstructure comprised in Survey No.1244 bearing Door No.18/33, Amman Koil Street, Kumananchavadi, Poonamallee, Chennai-600056 as per the demolition order dated 23.02.2022.

2. It is the contention of the learned counsel for the petitioner that a private party is causing disturbance when the petitioner tries to demolish the property derived by way of settlement.

3. From the submission of the learned counsel for the petitioner, this Court came to know that the petitioner's sister-in-law also claims right on the settlement and a civil suit is also pending between the parties.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In such view of the matter, a blanket order for police protection cannot be granted. The Hon'ble Apex Court in a decision reported in (2006) 4 SCC 501 in P.R.Murlidharan and



Others Vs. Swami Dharmananda Theertha Padar and Others, has held that;

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19. A writ for "police protection" so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.

5. Hence, the writ of mandamus directing the police to give police protection cannot be granted.

6. Accordingly, this writ petition is dismissed. The parties are at liberty to work out their remedy before the Civil Court.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police (Law & Order)
T12 Poonamallee Police Station,
Poonamallee, Chennai - 600056.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Premkumar, Advocate SR. No. 39119

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SR (CO)
PR (07/07/2022)