

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.07.2022
CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.16841 of 2022
and WMP.Nos.16128 of 2022

1. Sathish Kumar
2. Kamal Kumar ... Petitioners

Vs.

1. The Commissioner of Police,
Tambaram Police Commissioner Office,
Sholinganallur,
Chennai 600 119.

2. The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Chengalpattu District.

3. Malar Vizhi@Malar

4. Ramesh

5. Vadivel

6. Gangadharan

7. Dayalan

8. Devi

9. Munusamy

10. Keliyappan

11. Dhanabakkiam ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to give us police protection to continue their construction and fencing work in our property in S.No.165/3B, 165/3C, 165/3D totally measuring to an extent of 50 cents and the property comprised in S.No.165/3A measuring to an extent of 40 cents at Pudupakkam Village, Thiruporur Taluk, Chengalpattu district by considering my representation dated 05.05.2022.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents:Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
for R1 & R2

O R D E R

The Writ Petition has been filed seeking to direct the second respondent herein to give police protection to the petitioners to continue their construction and fencing work in their property in S.No.165/3B, 165/3C, 165/3D totally measuring to an extent of 50 cents and the property comprised in S.No.165/3A measuring to an extent of 40 cents at Pudupakkam Village, Thiruporur Taluk, Chengalpattu district by considering their representation dated 05.05.2022.

2. The learned counsel for the petitioners submitted that despite an order of injunction obtained in favour of the petitioners, the respondents 3 to 11 are taking the law into their own hands and also using coercive methods to prevent the petitioners from enjoyment of the property. Though complaint has been made to the respondent police they are not acting upon. He further submitted that respondents 3 to 11 are threatening the petitioners that they would file a criminal complaint under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

3. Heard both sides.

4. Since O.S.No.80 of 2022 is already pending and an interim order obtained in favour of the petitioners, any disobedience to the interim order is established by the respondents 3 to 11, it is well open to the petitioners to file a petition under Order 39 Rule 2 A of CPC and any such petition is filed the learned trial Judge shall expeditiously decide the matter without any further delay and in the event any law and order problem arises, the police shall act on the basis of the complaint given by the petitioners and give necessary protection also.

5. The Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dpq

To

- 1.The District Munsif, Chengalpattu.
- 2.The Commissioner of Police,
Tambaram Police Commissioner Office,
Sholinganallur,
Chennai 600 119.
3. The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam, Chengalpattu District.
4. The Public Prosecutor
High Court of Madras
Chennai 600 104.

+1 cc to Mr.R.C.Paul Kanagaraj, Advocate Sr.NO. 42727

W.P.No.16841 of 2022

ssi(CO)

A.SK(18/07/2022)