



W.P.No.5883 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.5883 of 2016

K.Balu

..Petitioner

Vs.

1.The Director General of Police,
Chennai – 600004.

2.The Commissioner of Police,
Vepery, Chennai – 600007.

3.The Assistant Commissioner of Police,
Maduravoyal, Chennai – 600095.

4.The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal, Chennai – 600095.

5.Barani Kumar

6.S.Manoharan
(R5 & R6 are impleaded as per order dated
04.03.2016 by R.M.,J in WMP.No.6454 of 2016
in W.P.No.5883 of 2016)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents to give the



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petitioner police protection to put up a compound wall for peaceful enjoyment of the petitioner's property namely, Door No.253, Perumal Koil Street, New P.H.Road, Maduravoyal, Chennai – 600095.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.P.Anandakumar for R1 to R4
R5 & R6 – No Appearance

ORDER

The petitioner seeks issuance of Writ of Mandamus, directing the respondents to provide police protection to enable him to put up a compound wall in order to enjoy the property bearing Door No.253, Perumal Koil Street, New P.H.Road, Maduravoyal, Chennai – 600095.

2.According to the petitioner, he is the owner of the property bearing Door No.253, Perumal Koil Street, New P.H.Road, Maduravoyal. Since the 5th and 6th respondents attempted to interfere with the possession of the petitioner, he had filed a suit in O.S.No.79 of 2008 seeking a decree for permanent injunction restraining the respondents 5 and 6 from interfering with his possession of the property. The said suit came to be decreed on 12.08.2009. Aggrieved, the respondents 5 and 6 herein filed an



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appeal in A.S.No.70 of 2009 on the file of the Sub-Court, Poonamallee. The said appeal came to be dismissed on 12.07.2010.

3.The petitioner has filed an Execution Petition under Order 21 Rule 11 of C.P.C., seeking proclamation of decree by beating of tom tom. The same was also allowed and a proclamation was made. Thereafter, one S.Manokaran filed a suit in O.S.No.529 of 2013 seeking the relief of permanent injunction restraining the petitioner from interfering with his alleged possession of the same property. The said suit came to be dismissed for default and no steps have been taken for restoration of the same.

4.According to the petitioner, despite the decree having been passed by the competent Civil Court, since the respondents 5 and 6 prevented the petitioner from putting up a compound wall and enjoying the property, he had lodged a police complaint on 06.11.2015, seeking protection. This was also followed by another complaint to the higher authorities namely, the Deputy Commissioner of Police, Maduravoyal. Complaining that despite several complaints, the police were acting in



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convenience with the respondents 5 and 6, the petitioner has come up to this Court seeking police protection to enable him to put up a compound wall to secure his property.

5.The respondents 5 and 6 have been impleaded by order dated 04.03.2016. Though a counsel had entered appearance for the respondents 5 and 6, they have been continuously absent.

6.The learned Additional Government Pleader appearing for the 4th respondent would contend that the property in question has been classified as Cheri Natham and therefore, the petitioner cannot claim exclusive title or ownership. This contention, evidently, is erroneous. This Court had repeatedly held that Natham land vests in the person who is in possession, the state has no paramount title over Natham land. Once the Civil Court has found that the petitioner is in possession and has favoured him with a decree for permanent injunction, it is the duty of the police Officers to protect the possession of such person when he comes up with a complaint seeking police protection, complaining of disturbance by the



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persons, who are bound by the decree.

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7.No doubt, the petitioner could approach the Civil Court seeking police protection against the respondents 5 and 6. A perusal of the complaint made by the petitioner shows that his grievance is mostly against the police Officers, who according to him have colluded with the respondents 5 and 6. Therefore, any order against the respondents 5 and 6 in the Execution proceedings may not be of any help to the petitioner. I therefore, find that the petitioner is entitled to the relief prayed for in the Writ Petition.

8.Hence, this Writ Petition is allowed, there will be a direction to the respondent, particularly, the 4th respondent, Inspector of Police (Law and Order), Maduravoyal police station to provide police protection to the petitioner to enable him to construct a compound wall or a fence securing his property. The petitioner shall inform three sets of dates, on which, the petitioner proposes to put up the construction and the respondent Police are required to indicate the convenient date, on which, the protection could be



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provided. The petitioner shall pay the normal costs that would be levied by the police for grant of such police protection.

9.This Writ Petition is allowed with the above observations. No costs.

07.07.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-Speaking order



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R.SUBRAMANIAN, J.

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