

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.NO.25253 OF 2021

H.Krishnan

... Petitioner

Versus

1. The Superintendent of Police
Udhagamandalam.

2. The Inspector of Police
E-1 Police Station
Udhagamandalam
The Nilgiris.

3. K.N.Madhan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to give police protection to the Petitioner's property based on his representation dated 25.10.2021.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents : Mr.L.Baskaran for R1 & R2
Government Advocate (Crl.Side)

ORDER

This petition had been filed to direct the respondents 1 and 2 to give police protection to the Petitioner's property based on his representation dated 25.10.2021.

2. It is the contention of the Petitioner that he had filed the suits and after due trial, decree was granted in his favour by the Civil Court. The Appeal against the Trial Court was also dismissed confirming the decree in favour of the

Petitioner. While so, the Respondents are interfering in his property thereby, preventing the peaceful possession and enjoyment by the Petitioner. On that ground, the Petitioner had moved this Court by filing Writ Petition seeking police protection.

3. The Learned Counsel for the Petitioner also relied on the reported ruling of this Court in 2014 (2) CTC 695, Radhika Sri Hari and another Vs. Commissioner of Police, Coimbatore City, Coimbatore.

4. The Learned Government Advocate (Crl.Side) also relied on the very same judgment and submitted that the Petitioner was granted decree by the Civil Court. The same decree has to be enforced by the Civil Court. It is for the Petitioner to move the Execution Petition for the enforcement of the decree and also police protection regarding his property. He ought not to have filed this Writ Petition by approaching this Court. Therefore, the Learned Government Advocate (Crl.Side) prays for dismissal of this Writ Petition.

5. The submission of the Learned Government Advocate (Crl.Side) is found acceptable.

6. In the light of the provisions of the Code of Civil Procedure, the Petitioner is directed to move the Civil Court concerned. The Civil Court at Nilgiris, is directed to pass appropriate orders when the Petitioner files a petition seeking police protection to protect the decree and property.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Superintendent of Police
Udhagamandalam.
2. The Inspector of Police
E-1 Police Station
Udhagamandalam
The Nilgiris.

3. The Public Prosecutor,
High Court, Madras.

Copy To

The Subordinate Judge,
Ooty, Nilgiris District.

+1cc to Mr.P.Ravi Shankar Rao, Advocate, S.R.No.35173

W.P.No.25253 of 2021

BR(CO)
RLP(15/07/2022)