



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.26604 of 2021

V.Panner Selvam

... Petitioner

Versus

1.The District Superintendent of Police,
District Superintendent Office,
Nagapattinam District.

2.The Inspector of Police,
Inspector of Police Office,
Valivalam Police Station,
Thirukkuvalai Taluk,
Nagapattinam District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent 1 and 2 to provide police protection to the petitioner to enter into the petitioner's property in pursuant to the delivery order made in E.P.No.108/2011 in O.S.No.295/1996 on the file of District Munsif at Nagapattinam in view of the petitioner's representation dated 01.03.2021.

For Petitioner : Mr.T.Rajarathinam

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

ORDER

(This case has been heard through video conference)

This petition has been filed for the issuance of a Writ of mandamus directing the respondent 1 and 2 to provide police protection to the petitioner to enter into the petitioner's property in pursuant to the delivery order made in E.P.No.108/2011 in O.S.No.295/1996 on the file of District Munsif at Nagapattinam in view of the petitioner's representation dated 01.03.2021.

2. The contention of the petitioner is that the petitioner



has sent a representation to the respondent police on 01.03.2021 through post. The petitioner is fighting a civil case for the past 20 years. Finally in S.A. No.565 of 2002, by judgment dated 05.10.2020, the petitioner has got the Will. Thereafter the petitioner filed an execution petition in E.P. No.108 of 2011 before the lower Court. E.P. portion was also delivered to the petitioner. On 08.07.2019, some people attempted to break open the petitioner's property. At that time, One Shanmugam, Saroja and her son Arumugam and Arumugam's wife, abused the petitioner and also attacked him. For which, a case in Cr. No.70 of 2019 was registered. This being the case, on 28.02.2021, citing the High Court order, Shanmugam, Saroja, Arumugam and Arumugam's daughter-in-law were asked to vacate the premises and the said persons again abused and assaulted the petitioner.

3. Learned Additional Public Prosecutor submits that the petitioner sent the representation to the respondents through post. Unless the petitioner appears before the Respondent Police along with a copy of the complaint and the Civil Court's orders which is in his favour, the respondent police would not be able to take appropriate steps to implement the Court order.

4. Considering the submissions and perusal of the materials, this Court directs the petitioner to appear before the respondent police along with the copy of the complaint and necessary documents and on receipt of the same, the respondent police is directed to complete the enquiry and take appropriate steps and if the petitioner is entitled, the E.P. portion to be handed over to the petitioner as per the Civil Court's order. The said process shall be completed within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

jas/bkn

To

1.The District Superintendent of Police,
District Superintendent Office,
Nagapattinam District.



2. The Inspector of Police,
Inspector of Police Office,
Valivalam Police Station,
Thirukkuvalai Taluk,
Nagapattinam District.

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3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Rajarathinam, Advocate, S.R.No.4525

W.P.No.26604 of 2021

PL(CO)
SB(17/02/2022)