



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.4502 of 2020

and

W.M.P.(MD)No.3814 of 2020

M.Ramakrishnan

...Petitioner

/Vs./

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

2.The Inspector of Police,
Town Police Station, Sivagangai.

3.S.Vijayakumari

4.Sethilkumar

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents 1 and 2 to afford police protection to save the petitioner's life and limb and also from the high handed act of respondents 3 and 4 preventing the construction of compound wall in the petitioner's property situated in T.S.No.145 with an extent of 25 feet east -west and 30 feet north-south, Ward No."D" Block No.10, 16th Ward, Sethupathi Street, Sivagangai Town.

For Petitioner: Mr.S.Ramesh

For R1 and R2 : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

For R3 : Mr.R.M.Arun Swaminathan

ORDER

This Writ Petition is filed seeking for police protection to the petitioner's life and limb and also from the high handed act of the respondents 3 and 4, preventing the construction of compound wall in the petitioner's property situated in T.S.No.145 with an extent of 25 feet east -west and 30 feet north-south, Ward No."D" Block No.10, 16th Ward, Sethupathi Street, Sivagangai Town.

2.The crux of the allegations in the petition is that despite the decree and judgment obtained before the trial Court, the private



respondents herein are causing nuisance, while putting up a construction in the said property and the police has also not taken any steps on the representation given by the petitioner.

3.At the outset, I am of the view that when the decree and judgment starring against the private respondents, it is for the petitioner to enforce the decree as per law rather by invoking jurisdictional of this Court in the nature of Mandamus. The petitioner cannot be permitted to execute the Civil Court decree by way of Mandamus. The question as to whether the decree is actually tallies with the properties or any third parties are in possession is to be seen only by the execution Court not by this Court. In such view of the matter, this Court is not inclined to issue any blanket directions.

4.In view of the above, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Town Police Station, Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.RAGHAVACHARI, Advocate (SR-5648[F] dated 11/02/2022)

W.P. (MD)No.4502 of 2020
10.02.2022

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