



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

W.P (MD) .No.10241 of 2022

R.Murugesan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

3.V.Shankar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 and 2 to give police protection to give effect to the order passed in eviction petition No.4 of 2021 by the Estate Officer in his order, dated, 18.09.2021.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

O R D E R

This writ petition has been filed to direct the respondents 1 and 2 to give police protection to give effect to the order passed in eviction petition No.4 of 2021 by the Estate Officer in his order, dated, 18.09.2021.

2.The petitioner has filed eviction petition in E.P.No.4 of 2021, seeking direction to the third respondent to vacate and handover vacant possession of the petition mentioned property. The same was allowed by order, dated, 18.09.2021 directing the third respondent to vacate and handover vacant possession of the petition mentioned properties within 21 days. Though 9 months lapsed, the third respondent has not vacated the said premises. The petitioner has also sent a representation to the respondents 1 and 2 on 11.05.2022. Since no action was taken by the official respondents, this Writ Petition has been filed.



3.Heard Mr.M.Karunanithi, learned Counsel appearing for the petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for respondents 1 and 2.

4.On perusing the records, it is seen that the third respondent filed W.P(MD)No.7295 of 2021 and W.A(MD)No.1197 of 2021, challenging the order passed in E.P.No.4 of 2021. This Court has upheld the eviction proceedings by dismissing both the writ petition and the writ appeal. The order was passed on 18.09.2021. So far no appeal is pending as per the contention made by the learned counsel for the petitioner. The reasons stated by the learned counsel for the petitioner are also justifiable.

5.Therefore, this Court directs the second respondent to give police protection to implement the order, dated 18.09.2021, in eviction petition No.4 of 2021 passed by the Estate Officer.

6. Hence, this Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-23827[F] dated 19/05/2022)

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SS/27.05.2022 : 2P/5C