



W.P(MD)No.15644 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.15644 of 2022

S.V.Durairaj

: Petitioner

Vs

1. The State Rep. by Its,
The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.

3. Sakunthala,

4. Kaliaperumal,

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents 1 and 2 herein to provide adequate police protection during the time of execution of



W.P(MD)No.15644 of 2022

the delivery warrant issued by the learned Principal District Munsif, Kumbakonam made in E.P.No. 13/2009.

For Petitioner : M/s. Jameel Arasu. B,

For R1 and R2 : Mr.M.Sakthi Kumar,

Government Advocate (Crl.Side)

ORDER

This writ petition has been filed in the nature of Mandamus, seeking a direction to the respondents 1 and 2 herein to provide adequate police protection during the time of execution of the delivery warrant issued in E.P.No. 13/2009 by the learned Principal District Munsif, Kumbakonam.

2.The learned Counsel appearing for the petitioner submitted that the petitioner is the owner of the property and one Thangavel, who was worked as a Watchman of the said property, had illegally occupied the property. Hence a suit in O.S.No.152 of 2002, had been filed, on the file of the District Munsif Court, Kumbakonam, which was dismissed. Thereafter, the petitioner filed an Appeal in A.S.No.161 of 2016, in which, recovery of possession of the property was ordered. After that, the aggrieved party filed a Second Appeal in



W.P(MD)No.15644 of 2022

S.A.(MD)No.1236/2008 and the same was dismissed and further, this Court confirmed the order passed by the first appellate Court. Then, the petitioner filed an execution petition in E.P.No.13 of 2009, on the file of the Principal District Munsif Court, Kumbakonam, seeking police protection. The Principal District Munsif Court, Kumbakonam also ordered for providing police protection. On 08.03.2022, when the Amina went to the place along with Police and Revenue officials, the respondents 3 and 4, who are the legal heirs of the said Thangavel had obstructed and created law and order problem. Hence, they returned without executing the warrant issued in E.P.No.13 of 2009.

3.The learned Government Advocate (Crl.Side) submitted that already the trial Court ordered for providing police protection to the petitioner. But, the petitioner filed this petition, seeking police protection. Since the trial Court itself ordered to provide police protection for recovery of the possession, the Superintendent of Police, Thanjavur District, need not be directed to provide police protection. Any how, the respondent police is ready to consider the representation, dated 11.04.2022.



W.P(MD)No.15644 of 2022

4.I have considered the submissions made by both the parties.

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5.On a perusal of records, it reveals the fact that the petitioner filed a suit in O.S.No.152 of 2002, for recovery of possession, on the file of the District Munsif Court, Kumbakonam, which was dismissed. But, it was reversed and the recovery of possession was decreed in A.S.No.161 of 2006, which had been filed before the Sub Court, Kumbakonam. The aggrieved party filed an appeal in S.A.(MD)No.1236 of 2008 and the same was dismissed. After that, Execution Petition has been filed in E.P.No.13 of 2009 before the District Munsif Court, Kumbakonam, seeking delivery of possession. Since there was some obstruction, the petitioner sought police protection. The trial Court ordered for police protection. On 08.03.2022, when the Amina attempted to execute the warrant with the help of the police and revenue officials, the respondents 3 and 4 created problem. Therefore, they returned without executing the warrant.

6.In view of the above, the second respondent is directed to provide necessary police protection for execution of warrant, which has been issued by the Principal District Munsif Court, Kumbakonam, in E.P.No.13/2009.



W.P(MD)No.15644 of 2022

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7. With the above direction, this writ petition stands disposed of. No costs.

19.07.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.15644 of 2022

V.SIVAGNANAM, J.

lr

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.

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

W.P(MD).No.15644 of 2022

19.07.2022