



W.P.No.5954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.5954 of 2023

S.Sivakumar

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building
EVK Sampath Road,
Vepery, Chennai 600 007.

2. The Deputy Commissioner of Police,
No.1, Madley Road, T.Nagar,
Chennai – 600 017.

3. Mr.Anand Babu,
The Inspector of Police,
R-8 Police Station,
Vadapalani, Chennai – 600 026.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, to the respondents invoking the special original jurisdiction under Article 226 of Constitution of India to consider the representation letter dated 30.11.2022 sent to the first respondent Commissioner of Police and the same copy sent to the second and third respondent failed at the time of execution of warrant and to take disciplinary action for contempt of Court Order against Inspector of Police Mr.Anand Babu R-8 Police Station and to pay damages caused by the respondents to the petitioner as per the vicarious liability.



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For Petitioner : Mr.T.Suresh Kumar

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondent to consider the representation letter dated 30.11.2022 sent to the first respondent Commissioner of Police and second and third respondents and to take disciplinary action for contempt of Court Order against Inspector of Police Mr.Anand Babu R-8 Police Station and to pay damages as his failure to comply with the Court order to give police protection and conducting illegal enquiry.

2.The learned counsel appearing for the petitioner submitted that petitioner obtained decree for possession in O.S.No.77 of 1979 and filed execution petition in E.P.No.1768 of 2006 for delivery of the property. Police protection was also ordered for taking delivery. However, 3rd respondent, instead of giving police protection for taking delivery of property, conducted parallel investigation, on the basis of certain petitions received from the 3rd parties, who are not connected with the suit property and sent summons dated 08.01.2023 to the petitioner asking the petitioner to



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appear for enquiry on 10.01.2023. The enquiry conducted by the 3rd respondent is against the law and he has no authority to conduct enquiry in pending civil dispute. Therefore, present petition is filed.

3. This Court finds from the records that E.P No.1768 of 2006 is still pending. The delivery warrant is not executed till now. If at all, 3rd respondent is not complying with the orders of the Court for giving police protection and conducting parallel enquiry, petitioner has to approach the 10th City Civil Court, Chennai, where E.P., is pending for appropriate relief. Petitioner cannot straight away come before this Court, therefore, this Writ petition is disposed giving liberty to the petitioner to file appropriate application before the 10th City Civil Court, Chennai seeking appropriate relief including for taking action against the 3rd respondent for not obeying the orders of the Court.

01.03.2023

Index :Yes/No
Internet:Yes/No
Sma



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G.CHANDRASEKHARAN, J.

Sma

To

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Vepery, Chennai 600 007.
2. The Deputy Commissioner of Police,
No.1, Madley Road, T.Nagar,
Chennai – 600 017.
3. The Inspector of Police,
R-8 Police Station,
Vadapalani, Chennai – 600 026.
4. The Public Prosecutor,
High Court of Madras.

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