



Writ Petition No.19851 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19851 of 2023

C.Udayachand
S/o.Chanpalal

... Petitioner

-VS-

The Inspector of Police,
G1 Vepery Police Station,
Choolai High Road,
Periyamedu, Choolai,
Chennai – 600 112.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to consider the representation dated 15.06.2023 given by the petitioner to respondent for providing police protection to demolish the construction made over to the extent of 16½ sq.f.t on the southern side of the property situated at Old No.12, New No.23, Rangayya Chetty Street, Choolai, Chennai – 600 112, in Old Survey No.2024, Patta C.A.No.619 of 2008, Block No.29, R.T.No.1887/9.

For Petitioner : Mr.V.Nithyanandam
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Writ Petition No.19851 of 2023

ORDER

WEB COPY

This petition has been filed seeking for a direction to the respondent police to provide police protection to enable the petitioner to demolish the construction that has been put up inside the property belonging to the petitioner by one Ramesh Kumar by considering the representation made by the petitioner on 15.06.2023.

2. Heard Mr.V.Nithyanandam, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The case of the petitioner is that he had already filed a suit in O.S.No.3176 of 2013 before the I Assistant City Civil Court, Chennai, against Ramesh Kumar and his wife seeking for the relief of permanent injunction and mandatory injunction. The suit was decreed by judgment and decree dated 16.08.2022. By virtue of this decree, the defendants were directed to demolish and remove the construction that was put up in the property belonging to the petitioner/plaintiff. The decree also makes it clear that in the event of non-compliance, it will always be left open to



Writ Petition No.19851 of 2023

WEB COPY

the peititoner/plaintiff to file an application for execution and get the decree executed.

4. The petitioner has not filed any execution petition, instead, made a representation to the respondent police seeking for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5. In the considered view of this Court, the petitioner is deriving his right through a decree passed by a competent civil Court. If the decree is not complied with by the defendants, it is always open to the petitioner to file a execution petition and get the decree executed. At the time of filing the execution petition, it will always be open to the petitioner to seek for police protection in order to effectively execute the decree. When such efficacious and alternate remedy is available to the petitioner, the petitioner cannot directly approach the police and thereafter, approach this Court by filing a writ petition. Except giving this liberty, no further orders are passed in this writ petition.



WEB COPY



Writ Petition No.19851 of 2023

N.ANAND VENKATESH., J

gm

This Writ Petition is disposed of in the above terms. No costs.

06.07.2023

Index: Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No

gm

To

1.The Inspector of Police,
G1 Vepery Police Station,
Choolai High Road,
Periyamedu, Choolai,
Chennai – 600 112.

2.The Public Prosecutor,
High Court, Madras.

Writ Petition No.19851 of 2023