



Writ Petition No.22159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22159 of 2023

1.Riaz Ahmed Baig
S/o.H.A.Baig

2.Dillibabu
S/o.Narayanan

3.M.Aliyar
S/o.Madina Maraikayar

...Petitioners

Vs

1.The Commissioner of Police,
Commissioner Office,
Vepery.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Jermiah Road,
Vepery.

3.The Inspector of Police,
G-7 Vepery Police Station,
Jermiah Road, Vepery.

4.The Assistant Executive Engineer,
No.36, G, Pulla Avenue,
Shenoy Nagar, Chennai - 600 040.



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5.The Executive Engineer,
Zone-8, Division-104,
Shenoy Nagar, Chennai.

6.Prabhu
S/o.Dhakshinamurthy

7.Lakshmi Prabhu
W/o.Prabhu

8.Rukmani
W/o.Krishnan

9.Bhavani
D/o.Parthasarathy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to provide police protection to the petitioner to demolish the building situated at Old No.7, New No.11, Arasappa Mudali Street, Purasaiwalkam, Chennai - 600 007, pursuant to the order of this Court in W.P.No.7318 of 2023.

For Petitioners : Mr.R.Harikrishnan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1 to R3]



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ORDER

This Writ Petition has been filed seeking for a direction to the respondent police to provide police protection to the petitioners to enable the petitioners to demolish the building situated in the subject property.

2. Heard Mr.R.Harikrishnan, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

3. The case of the petitioners is that there is already a civil Court judgment in their favour in O.S.No.2969 of 2012. The petitioners were taking steps to demolish the building since it is in dilapidated condition. The same was resisted by the private respondents, who had lost before the civil Court. Hence, the petitioners gave complaints seeking for police protection. It were not acted upon and therefore, the present writ petition has been filed before this Court.

4. Learned Additional Public Prosecutor, on instructions, submitted that based on the complaints given by the petitioners, CSR Nos.350/2023



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and 1191/2023 are pending enquiry. Learned Additional Public Prosecutor sought for some time to complete the enquiry and to take a decision on the complaints given by the petitioners.

5. In view of the above, there shall be a direction to the third respondent to conduct enquiry in the pending CSR Nos.350/2023 and 1191/2023. If the civil Court judgment is in favour of petitioners and it has become final, the private respondents shall be instructed not to interfere. If, on the other hand, any appeal has been filed against the said judgment, the third respondent shall relegate the parties before the competent civil Court. A decision, in this regard, shall be taken within a period of two (2) weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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- 3.The Inspector of Police,
G-7 Vepery Police Station,
Jermiah Road, Vepery.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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