



W.P(MD)No.15074 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.15074 of 2023

R.Vijay Venkatesan @ Arul Vijay

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai.

2.The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.

3.The Inspector of Police,
Sholavandhan Police Station,
Madurai District.

4.Syed Ibrahim

5.Hakkim Said

6.Mujibur Rahman

7.Iliyas

8.Ajmath Beham

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1 to



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3 respondents to consider the petitioners representation dated 06.06.2023 and grant protection to the petitioner for execution of order parted by the Special Deputy Collector, Revenue Court, Madurai in EP 2/2021 in TCTP 28/2012 dated 30.05.2023.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the 1 to 3 respondents to consider the petitioners representation dated 06.06.2023 and grant protection to the petitioner for execution of order parted by the Special Deputy Collector, Revenue Court, Madurai in EP 2/2021 in TCTP 28/2012 dated 30.05.2023.

2.In the above said order, the petition filed by the petitioner was allowed and eviction was ordered. The eviction order has to be executed by the Executing Court only. Without approaching the Executing Court, the petitioner has approached this Court seeking police protection.



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3. Section 37(h) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, is extracted hereunder:

“37:

(h) execution of its orders and decisions under this Act without reference to any civil court;

Further Section 37(7) of the above said Act reads as under:

“37:

(7) An order made by a Rent Court or an order passed in appeal or revision, or review under this Chapter shall be executable by the Rent Court as a decree of a civil court and for this purpose, the Rent Court shall have the powers of a civil Court.”

4. Reading of the above said provisions makes the position very clear. For the purpose of executing the order, the petitioner has to approach the concerned authority, who is competent to execute its own order. All proceedings must also be initiated only before the concerned Court and certainly not before this Court. Therefore, there is no question of police protection. The petitioner has to workout his remedy through appropriate proceedings by approaching the Executing Court.



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5. With the above said directions, this writ petition stands dismissed.

27.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

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To

1. The Superintendent of Police,
Madurai.
2. The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.
3. The Inspector of Police,
Sholavandhan Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

TM

Order made in
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Dated :27.06.2023