



Writ Petition No.8022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8022 of 2024

V.Srinivasa Rao

S/o. Late V.Chidambareswara Rao

... Petitioner

Vs.

1. The Deputy Commissioner of Police
148, 138, Kutchery Road, Madhavaperumalpuram,
Mylapore, Chennai, Tamil Nadu – 600 004.
2. The Assistant Commissioner of Police,
Gaudiya Mutt Road, Azad Nagar,
Royapettah, Chennai, Tamil Nadu – 600 014.
3. The Inspector of Police
Law & Order, E-2 Royapettah Police Station,
Royapettah, Chennai.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 19.02.2024 and 03.03.2024 to give necessary police protection by Respondent No.3 to peacefully possess



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the property situated at Old Door No.12, New Door No.27, Thiruveethian Street (Earlier Vanniyar Teynampet), Gopalapuram, Chennai – 600 086.

For Petitioner : Mr.R.Rajarathinam, Senior Counsel
for Mr.A.Ashwinkumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for a direction to the third respondent to provide police protection based on the representations given by the petitioner on 19.02.2024 and 03.03.2024 in order to break open and to take possession of the property pursuant to the order passed by the XV Judge, Court of Small Causes, Chennai, dated 13.02.2024.

2. Heard Mr.R.Rajarathinam, learned Senior Counsel appearing for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.



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3. In the considered view of this Court, the jurisdictional Court has already passed an order in E.P.No.278 of 2023, dated 13.02.2024 as follows:

"EA 3/2024 - The Petitioner Decree holder filed this petition seeking Police aid for the bailiff so as to enable him her to execute the warrant. Already delivery was ordered in this EP. The Bailiff reports reveals that the warrant could not be executed for want of police protection order. Thus in order to execute the warrant police aid becomes necessary. Hence in the interest of justice and also meet the ends of justice this Court is inclined to allow this petition. In the result this petition is allowed. The Inspector of police jurisdiction concerned is directed to give necessary police protection so as to enable the bailiff to execute the warrant. There is no order as to Cost. EA 4/2024 - The Petitioner Decree Holder filed this petition to permit the bailiff to break open the lock in the Petition premises so as to execute the warrant. Already delivery was ordered in this EP. The Bailiff reports shows that the warrant could not be executed for want of order for break open the lock. Thus in order to execute the warrant the order for permitting the bailiff to break open the lock of the schedule premises becomes necessary. Hence in the interest of justice and also to meet the ends of justice this court is inclined to allow this application. In the result this petition is allowed. The Bailiff is permitted to break open the lock in the petitioner premises in order to execute the warrant. There is no order as to Cost. EP 278/2023 - Fresh delivery order is passed police aid and break open petition filed on 10.04.2023 and allowed. Fresh Delivery by 13.3.2024."

4. Pursuant to the above order, the petitioner made two



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representations to the third respondent requesting for police aid in order to enable the bailiff to break open the premises and to take possession. Since the same was not acted upon, the present writ petition has been filed.

5. It is clear from the records that a competent civil Court has already directed the bailiff to take possession of the property and the Court has also directed to give police aid at the time of breaking open the property. Under such circumstances, the third respondent is bound to act upon the order passed by the civil Court.

6. Hence, there shall be a direction to the third respondent to act upon the order passed by the civil Court in order to enable the bailiff to break open the premises and take possession of the property.

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



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

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Mylapore, Chennai, Tamil Nadu – 600 004
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N.ANAND VENKATESH, J

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