



W.P.No.8725 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.8725 of 2024

N.Shanmugam

...Petitioner

Vs.

1 The Superintendent of Police,
Erode District, Erode.

2. The Inspector of Police,
Arachalur Police Station,
Erode District.

3. Mr.S.Eswaran

4. Mr.E.Vijayakumar

5. Mr.E.Gopi

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to provide adequate police protection to execute orders passed in EP No.65 of 2020 in OS No.175 of 2014 passed by the Principal District Munsif



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Court, Erode.

For Petitioner : Mr.P.Kannan Kumar
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to provide police protection in order to enable the execution of the warrant issued in EP No.65 of 2020 in OS No.175 of 2014 by the Principal District Munsif, Erode.

2. The petitioner is a decree holder in OS No.175 of 215. In execution of the said decree, he filed EP No.65 of 2020 before the Principal District Munsif Court, Erode. The Principal District Munsif Court, Erode ordered for delivery of possession with police aid. However, inspite of such order passed, the Court below is not able to take possession of the property since there is resistance on the side of the private respondents, who are the judgement debtors in the execution proceedings. Under such circumstances, the present writ petition has been filed seeking for appropriate directions.



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3. Heard Mr.P.Kannan Kumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents 1 and 2.

4. In the considered view of this Court, there is already a decree passed in favour of the petitioner and the petitioner has taken steps to execute the decree. The Court below has also appointed a bailiff to effect delivery. There is resistance on the side of the private respondents and therefore, police protection has been sought for. Considering the order passed by a competent civil Court, there shall be a direction to the 2nd respondent to provide police protection to the Court bailiff in order to effect delivery of the property, pursuant to the order passed by the Principal District Munsif Court, Erode.

5. This Writ petition is disposed of with the above directions. No



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costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

rka

N.ANAND VENKATESH, J

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rka

To

- 1 The Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Arachalur Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court of Madras.

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