



WP(MD) No.2965 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.2965 of 2024

R.Velusamy

... Petitioner

/vs./

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

4.Chinnadurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents No.1 to 3 to conduct an enquiry based on the complaint of the Petitioner dated 11.10.2023 in CSR.No. 720/2023 issued by the 3rd Respondent consequently taking action against the



WP(MD) No.2965 of 2024

4th Respondent in accordance with law.

For Petitioner : Mr.B.Prasanna Vinoth

For R1 to R3 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition seeking direction against the Respondents 1 to 3 to conduct an enquiry based on the complaint of the Petitioner dated 11.10.2023 in CSR.No.720 of 2023.

2.The learned Additional Public Prosecutor, on instructions of the Respondents 1 to 3, would submit that CSR.No.720 of 2023 dated 13.10.2023 is pending with the third Respondent. Also, he would submit that as per the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021 and the circular of the Additional Director General of Police, Chennai, issued in C.No.18/ADGP/L & O/Camp/2024 dated 09.01.2024, the third Respondent undertakes to dispose of CSR.No.720 of 2023 within a month.



WP(MD) No.2965 of 2024

WEB COPY

3.The learned Counsel for the Petitioner by way of rejoinder submits that the Petitioner herein had filed O.S.No.52 of 2009 on the file of the learned District Munsif, Manapparai, Trichy District, for partition. The suit ended in his favour after full trial. The Defendant in the suit went in appeal. The appeal was also dismissed and the decree of the trial Court was upheld. Subsequently, the Petitioner herein as Decree Holder filed E.P.No.21 of 2017 in O.S.No.52 of 2009. The property was handed over to the Petitioner by execution of delivery warrant in E.P.No.21 of 2017.

4.While so, the fourth Respondent herein is alleged to have purchased the property from the person, who was the Defendant in the suit in O.S.No.52 of 2009 during the pendency of the Court proceedings ie., from the suit in O.S.No.52 of 2009 till E.P.No.21 of 2017 was filed. Now, ignoring the decree of the Civil Court and the execution of the decree in the year 2017, he is attempting to trespass the property by removing the fence, as though he has a claim in the property. When the Petitioner had brought it to the knowledge of the third Respondent, the third Respondent advised him to file a suit against the fourth Respondent. For the risk



WP(MD) No.2965 of 2024

WEB COPY

taken by the fourth Respondent by purchasing the property that was already in dispute before the trial Court and pending trial, he has to face the risk as per the provisions of the *Lis pendens*. While so, the third Respondent without understanding the dispute had directed the Petitioner to approach the civil Court once again. It is found unwarranted.

5.The submission of the learned Additional Public Prosecutor that CSR.No. 720 of 2023 had been registered against the third Respondent will not hold good in the facts of the case as was stated by the learned Counsel for the Petitioner. Therefore, the Respondents 1 to 3 are directed to protect the decree of the civil Court by providing police protection to the Petitioner as per the representation of the Petitioner. The Respondents 1 to 3 are duty bound to protect the decree of the civil Court in favour of the Petitioner. Failure to provide police protection by Respondents 1 to 3 will attract contempt of Court, thereby encouraging violation of decree contrary to enforcement of the decree of civil Court. The Respondents 1 to 3 are directed that they shall enforce the decree of the civil Court.



WP(MD) No.2965 of 2024

WEB COPY With the above directions, this Writ Petition is disposed of. No costs.

13.02.2024

Index : Yes / No

Internet : Yes / No

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WP(MD) No.2965 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
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