



W.P.(MD)No.16687 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16687 of 2023

S.Mohammed Mytheen

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Nagercoil,Kanyakumari District.
2. The Inspector of Police,
Kaliyakavilai Police Station,
Kaliyakavilai Post, Kanyakumari District.
3. Mohammed Iqbal
4. Vimala

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to accord police protection based on the petitioners representation dated 14.03.2023 as against the respondents 4 and 5 during the time of advocate commissioners inspection to the petitioners property comprised in S.No. 234/8, Kaliakavilai Village, Kaliakavilai Town Panchayat, Kanyakumari District as per the order passed in I.A.No. 4/2023 in O.S.No. 108/2018, on the file of the Subordinate Judge, Kuzhithurai.



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For Petitioner : Mr.M.Ponniah

For Respondents : Mr.S.Ravi
Government Advocate (Crl. Side)
for R1 & R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents police to give police protection in order to enable the Advocate Commissioner to conduct survey of the subject property and to submit his report before the Court in the suit pending in O.S.No.108 of 2018 on the file of the Sub Judge, Kuzhithurai.

2.Heard Mr.M.Ponniah, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

3.In the considered view of this Court, an Advocate Commissioner is an Officer of the Court. If the Court has issued a warrant to the Advocate Commissioner to conduct an inspection and to submit a report and the Advocate Commissioner is not permitted to



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perform this function, it will amount to interfering with the proceedings of the Court. Therefore, if the Advocate Commissioner gives the complaint to the respondents police seeking for police protection in order to execute the warrant, the respondents police will have to necessarily act upon the same and provide police protection. The respondents police shall ensure that the Advocate Commissioner is allowed to perform his function pursuant to the warrant issued by the Court in order to enable the Commissioner to submit his report before the Court.

4.This writ petition is disposed of with the above direction.

08.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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