



W.P.No.20221 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

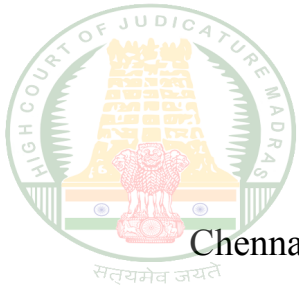
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Samuel Devamaindan Muthiah

... Petitioner

Versus

- 1.The Special Tahsildar (L.A),  
Highways I.R.R. Scheme,  
Mambalam Guindy Taluk @ Collectorate,  
Chennai – 1.
- 2.The Commissioner of Police,  
Vepery, Chennai – 7.
- 3.The Joint Commissioner of Police,  
O/o. Joint Commissioner of ICE (North),  
T.H. Road, Tondiarpet, Chennai – 81.
- 4.The Deputy Commissioner of Police,  
Flower Bazar District,  
B1 North Beach Police Station Campus,  
Rajaji Salai, Chennai – 1.
- 5.The Assistant Commissioner of Police,  
Flower Bazar District,  
B1 North Beach Police Station Campus,  
Rajaji Salai, Chennai – 1.
- 6.The Inspector of Police,  
B-1 North Beach Police Station,



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Chennai – 1.

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7. The Chief Secretary,  
Government of Tamil Nadu,  
Fort ST.George, Chennai – 9.

8. The Secretary to Highways Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai – 9.

.. Respondents

[ R7 and R8 are Suo Motu impleaded as per Order dated 23.07.2024 in  
W.P.No.20221 of 2024]

**Prayer :** Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 2 to 6 to give police protection to the bailiff for execution of movable warrant dated 25.03.2024 issued by the VI Assistant City Civil Court, Chennai, against the 1<sup>st</sup> respondent on the basis of representation given by the petitioner to the respondents 2 to 6, dated 03.07.2024.

For Petitioner : Mr. R. Narayanan

For Respondents : Mr. R. Vinothraja, (for R1 to R6)  
Government Advocate (Criminal Side)

### **ORDER**

This Writ Petition has been filed, directing the respondents 2 to 6 herein to provide Police protection to the Bailiff for the execution of a movable warrant issued by the VI- Assistant City Civil Court, Chennai.

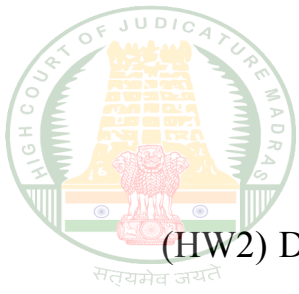


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2. The petitioner owns land in S.No.665/4, to an extent of 25 cents in Velacherry Village, Chennai. This land was acquired by the first respondent, and an award passed at the rate of Rs.102 per square feet. The award was enhanced in an appeal filed before the VI- Assistant City Civil Court, Chennai by order dated 28.03.2014 from Rs.102/- to Rs.600/- per square feet. The first respondent was directed to pay 30% solatium for the enhanced amount and 12% of additional amount for the enhancement of compensation. Additionally, interest at the rate of 9% per annum from the date of 05.10.2005 till one year, thereafter, and 15% per annum thereafter, was awarded till the deposit of enhancement amount.

3. The first respondent challenged this order and filed CRP.No.3663 of 2019. The petitioner also filed a CRP.No.3651 of 2019 for further enhancement of compensation. In CRP.No.3651 of 2019, this Court, by a common order dated 03.06.2021, enhanced the compensation and fixed the rate at Rs.1,655/-. To execute this order, the petitioner filed E.P.No.4744 of 2022 before the Trial Court, which was allowed as prayed for. While being so, the first respondent deposited 75% of compensation amount, totalling Rs.3,84,83,865/- based on the G.O.(Ms).No.92, Highways and Minor Ports



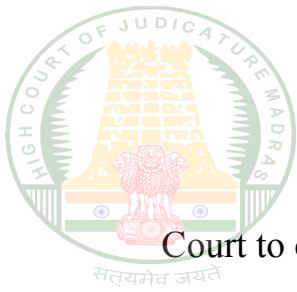
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(HW2) Department, dated 01.8.2024. However, the entire decree compensation

amount was not deposited. Consequently, an application was filed by the petitioner before the VI-Assistant City Civil Court, Chennai, and thereby issued a movable warrant as against the first respondent. When the Bailif attempted to execute the movable warrant, he was obstructed by the officials of the first respondent. Therefore, the petitioner sought police protection to execute movable warrant as against the first respondent.

4. Learned counsel appearing for the first respondent produced a copy of Letter No.89/2013/LAOP/SSIRR/DA/Dated 04.03.2025 from the Highways Department. He submitted that the first respondent, after depositing Rs.3,84,83,865/- based on the G.O.(Ms.).No.92 of Highways and Minor Ports(HW2) Department, dated 01.08.2024 towards 75% of compensation, subsequently another G.O.(Ms).No.32 of High Ways and Minor Ports (HW2) Department dated 25.02.2025, for 25% of compensation Rs.1,28,50,184/- was deposited as a final settlement.

5. In view of the above, the calculation memo produced before this Court by the petitioner is completely incorrect, and there is no amount left to be paid. If any amount is due, the petitioner can very well approach the Execution



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Court to claim the balance amount.

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6. In view of above, the directions sought in this petition cannot be granted, as the entire decree amount has already been deposited by the first respondent before the Trial Court. The petitioner is at liberty to withdraw the amount after filing an appropriate application.

7. It is made clear that the petitioner is directed to claim if any amount is due from the first respondent in a manner known to law.

8. With the above observations and directions, this Criminal Original Petition is disposed of.

**18.03.2025**

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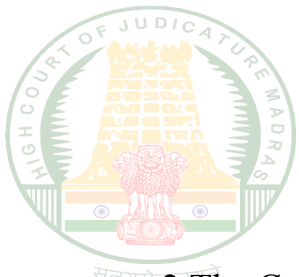
Index : Yes / No

Speaking / Non Speaking order

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To

1.The Special Tahsildar (L.A),  
Highways I.R.R. Scheme,  
Mambalam Guindy Taluk @ Collectorate,  
Chennai – 1.



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2.The Commissioner of Police,  
Vepery, Chennai – 7.

3.The Joint Commissioner of Police,  
O/o. Joint Commissioner of ICE (North),  
T.H. Road, Tondiarpet, Chennai – 81.

4.The Deputy Commissioner of Police,  
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7.The Chief Secretary,  
Government of Tamil Nadu,  
Fort ST.George, Chennai – 9.

8.The Secretary to Highways Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai – 9.

9.The Public Prosecutor, High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**

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