



W.P.(MD) No.3769 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.3769 of 2025

Sharmila Packia

... Petitioner

vs.

1.The State

Rep. by the Superintendent of Police,
Thoothukudi District.

2. The State

Rep. by the Inspector of Police,
Thalaimuthunagar Police Station,
Thoothukudi District.

3. Anandavalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to provide adequate police protection to execute the civil court decree granted in favour of the petitioner in O.S.No.51/2021 on the file of the learned Sub court, Thoothukudi dated 06.10.2023 by considering the petitioner's representation dated 23.12.2024.

For petitioner : Mr.S.Vishnuvardhan

For Respondent No.1 & 2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

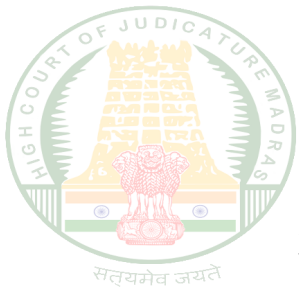


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ORDER

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2. 2. The learned Counsel appearing for the respondent would submit that the petitioner is the owner of the property situated in S.No. 168/1, Plot No.193A of Mappillaioorani Village, Thoothukudi Taluk, Thoothukudi District to an extent of 3.82 cents. The said property was encroached by the third respondent and thereby the petitioner filed a suit in O.S.No.51 of 2021 on the file of the Sub Judge, Thoothukudi and the same was decreed in favour of the petitioner on 06.10.2023. In pursuance of the decree passed by the trial Court, the third respondent has refused to vacate the premises. Therefore, the petitioner sent a representation to the second respondent police seeking adequate police protection. But the same has not been considered. Therefore, he filed this present petition.



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3. The learned Additional Public Prosecutor appearing for the respondent Nos.1 & 2 would submit that already the representation of the petitioner was considered and the same was closed as civil dispute and the petitioner was advised to approach competent civil Court to execute the said decree. Therefore, he prays to dismiss the present writ petition.

4. Considering the limited scope of prayer sought for in this writ petition, this Court without issuing any notice to the private respondent, inclined to pass orders in this petition.

5. According to the petitioner, he got decree from the trial Court in his favour in O.S.No.51 /2021 on the file of Sub-Court, Thoothukudi. At the time of executing the decree, the private respondent has caused disturbance to the petitioner. Hence, he sent a representation to the second respondent and the same has not been considered. According to the learned Additional Public Prosecutor appearing for the second respondent, the representation of the petitioner was considered and the same was closed as civil in nature. Since the petitioner got decree in his favour. It is for the petitioner to take appropriate steps to execute the decree in the manner known to law. The petitioner has not filed any execution petition



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to execute the decree. But, he filed the present petition to seek police protection.

6. In view of the above said reasons, liberty is granted to the petitioner to approach competent civil Court to execute the decree, in the manner known to law. In the meantime, any criminal activities done by the third respondent, he can approach the second respondent to taking appropriate action against her.

7. With the above said observations and directions, this writ petition is disposed of. No costs.

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Thoothukudi District.
2. The Inspector of Police,
Thalaimuthunagar Police Station,
Thoothukudi District.



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P.DHANABAL,J

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