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W.P. Crl. No. 389 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

W.P. Crl. No. 389 of 2026

N. Chinnadurai

..Petitioner

Vs.

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Thevoor Police Station,
Thevoor, Salem District.

3. Karthikeyan

4. Monika

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 24.12.2025 for providing police protection to enter his residential house in S.No. 257/2C, situated at Arasiramani Revenue Village, Sankari Taluk, Salem District.

For Petitioner

::

Mr.M.R. Jothimanian



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For Respondents ::

Mr. Leonard Arul Joseph Selvam
Additional Public Prosecutor
for R1 & R2

ORDER

The writ petition is filed for issue of a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 24.12.2025 for providing police protection to enter his residential house at S.No. 257/2C, situated at Arasiramani Revenue Village, Sankari Taluk, Salem District.

2. The grievance of the petitioner is that he and his family members have been denied access to the common pathway leading to their residential house and lands by respondents 3 and 4 by installation of an iron gate and the representation made by him to the officials concerned to resolve the issue and also to provide police protection to enter his residential house were of no avail. Hence, the present petition.

3. The submission of the petitioner is that he is a resident of ThundukaduKullampatti, Arasiramani Village and Post, Sankari Taluk, Salem District. The petitioner owns agricultural lands and residential house in S.No. 257/2C, totally to an extent of 32 cents. The land was purchased by



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the petitioner along with his family members from respondents 3 and 4 vide sale deed dated 09.10.2024 in Doc No. 5275 of 2024 on the file of Sub-Registrar, Edappady. Right from the date of purchase, the petitioner and his family members have been in possession and enjoyment of the property and doing cultivation for their livelihood and residing along with their family and children.

4. According to the petitioner, he and his family members are in possession and enjoyment of the lands in S.No. 257/2C and they are absolute owners of the property with valid title. The petitioner further states that the property, which the petitioner bought from respondents 3 and 4, is situated at the rear side of the properties of the said respondents and there is only one common pathway to enter his property and that all of them are entitled to use the said common pathway to reach their respective residential houses as well as their lands. While so, on 17.06.2025, respondents 3 and 4 had put up an iron gate blocking his entrance thereby preventing him and his family members from entering into the residential house. When questioned, the petitioner and his family members were threatened with dire consequences, which made the petitioner to lodge a complaint with the Police against



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respondents 3 and 4 and other accused persons. Though the Police advised the accused persons and respondents 3 and 4 to remove the gate and provide pathway, nothing happened thereafter.

5. The petitioner would state that though the 2nd respondent had to refer the matter to the Revenue Authorities for taking appropriate action under Section 166 BNS as the petitioner and his family members have been deprived of their right under Articles 21 and 300A of the Constitution of India, no steps were taken and therefore, the petitioner made a representation dated 24.12.2025 to the 1st respondent for redressal of his grievance, which is still pending. Besides, since the petitioner and his family members were denied access to their house by the 3rd respondent and other rowdy elements, the petitioner sought police protection to enter his residential property and made several requests to respondents 1 and 2. However, there has been no progress or steps taken, which necessitated the filing of this writ petition for the aforesaid relief.

6. Learned Additional Public Prosecutor submitted that on receipt of the petitioner's complaint, on 17.06.2025, CSR No. 202 of 2025 was assigned and enquiry was conducted. Subsequently, the petitioner had



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given a second complaint dated 24.12.2025 to the 1st respondent requesting him to direct the Police officials of Thevoor Police Station to look into the matter, pursuant to which, the petitioner and the 3rd respondent were directed to appear before the Sub Inspector of Police, Thevoor Police Station on 08.02.2026 and the issue was amicably resolved. The 3rd respondent gave an undertaking that he would not restrict the use of common passage by the petitioner and his family members nor install any iron gate and on the said undertaking, the complaint was closed.

7. Considered the submissions made on either side and perused the materials on record.

8. It is seen that on receipt of petitioner's complaint dated 24.12.2025, the petitioner and the 3rd respondent were called for an enquiry on 08.2.2026. The parties were heard and the issue was amicably resolved. The 3rd respondent gave an undertaking on 08.02.2026 to the Sub Inspector of Police, Thevoor Police Station, the relevant portion of which is extracted hereunder:

“நான் இப்பவும் மேற்கண்ட முகவரியில் எனது
குடும்பத்துடன் வசித்து வருகிறேன். என் மீது
சின்னதுரை என்பவர் கொடுத்த புகார்



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சம்பந்தமாக இன்று (08.02.2026)ம் தேதியன்று என்னை அழைத்தீர்கள். நானும் விசாரணைக்கு ஆஜரானேன். மேற்படி சமூகம் அவர்கள் எங்கள் இருதரப்பையும் விசாரித்தீர்கள். விசாரணையில் நான் எப்பொழுதும் தட பாதையை மறித்து இடையூறு செய்யமாட்டேன் என்று கூறியதன் பேரில் நமக்குள் சமரசம் ஏற்பட்டது. மேற்படி தட பாத்தியம் குறித்து நான் எப்பொழுதும் ஏதாவது பிரச்சனை செய்தால் சமூகம் அவர்கள் எடுக்கும் அனைத்து நடவடிக்கைகளுக்கும் கட்டுபடுவேன் என்றும் இதன் மூலம் தெரிவித்துக்கொள்கிறேன்."

The petitioner also gave a letter to the aforesaid Police official that no further action is required on the complaint given by him as the 3rd respondent has given an undertaking that he would not obstruct the use of common pathway and the relevant portion of the said letter reads thus:

நான் கொடுத்த புகார் மீது இன்று (08.02.2026)ம் தேதி இருதரப்பினரையும் அழைத்து விசாரணை செய்தீர்கள். எதிர்மனுதாரர் மேற்படி நிலத்தின் தடவழி பாதையை மறிக்கவோ இடையூறு செய்யவோ



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மாட்டேன் என கூறியதை தெரிந்து கொண்டேன்.
நான் கொடுத்த புகார் மீது நடவடிக்கை வேண்டாம்
என கேட்டுக் கொள்கிறேன்."

9. In view of the above factual position, nothing survives for adjudication in this writ petition and the same is dismissed. However, it is made clear that contrary to the undertaking given on 08.02.2026, if the 3rd respondent creates any hindrance to the usage of common pathway or puts up an iron gate, the respondent Police shall take appropriate action.

03.03.2026

nv

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Thevoor Police Station,
Thevoor, Salem District.
3. The Public Prosecutor,
High Court, Madras.

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M. NIRMAL KUMAR,J.

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