



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 2163 of 2026

Ms.Diyaa Raj Advani
D/o.Raj Sanju Inderlal,
Old No.72/2, New No.96/2,
1st Floor, McNichols Road, Chetpet, Chennai - 600 031.
Currently residing at Flat No.4032,
Tower 4, Estancia Residential Township,
Vallancheri Village, Chengalpattu Taluk,
Chennai - 603 202.

Petitioner(s)

Vs

1.State Represented by
The Superintendent of Police Chengalpattu
Collectorate Campus, GST Road,
Chengalpattu, Tamilnadu.

2.The Sub Inspector of Police
Guduvanchery Police Station, Tambaram Range,
Chengalpattu.

3.Prasad
S/o.Unknown,
Having Office at 1032,
Tower 1 Core 1, Estancia Apartment,
SRM Nagar, Kattankulathur.
Residence Address at
House, 1033, Tower 1 Core 1, Estancia Apartment,
SRM Nagar, Kattankulathur - 603 202.

4.R.M.Saravanan
S/o.A.Karpagambal, H.No.4/11, Visweswarapuram,
Mylapore, Chennai - 600 004.

Respondent(s)

**PRAYER**

To issue Writ of Mandamus or any other Writ or order or direction more particularly in the nature of direction directing the 2nd Respondent to provide adequate police protection based on complaint dated 18.08.2026 to the petitioner, the petitioner's property situated at Flat No.4032, Tower 4, Estancia Residential Township, Vallancheri Village, Chengalpattu Taluk, Chennai - 603 202 and pass such order or other orders as deemed fit and proper in the circumstances of the case.

For Petitioner(s): Ms.Vijayalakshmi K.Rajaratnam

For Respondent(s): Mr.Arun Anbumani
Additional Public Prosecutor for RR 1 & 2

Ms.R.Prem Raja Kumari for R3

ORDER

The petitioner is a tenant of the property situated at Apartment No.4032, Tower 4, Estancia Residential Township, 3rd Level, Vallancheri Village, Chengalpet Taluk, Chennai – 603 202.

2.The owner of the property is one A.Karpagambal. The petitioner and A.Karpagambal entered into a rental agreement on 17.11.2023. Apart from the petitioner, three other ladies also joined her in execution of the rental agreement. In terms of the agreement, the petitioner and other three tenants have to pay a sum of Rs.50,000/- per month towards rent, which includes maintenance. The period of tenancy was for 44 months. The tenants also deposited a sum of



Rs.3,00,000/- as advance.

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3.The 3rd respondent Prasad, claiming to be the property Manager of the Flat is said to have harassed the tenants. He wanted to take possession of the property as the petitioner and other tenants did not agree to altering the terms of the tenancy agreement. The petitioner alleges that on 02.07.2026, the 3rd respondent instructed that the rents paid by the petitioner will not be received. The petitioner was taken back. To her shock and surprise, she was informed by the 3rd respondent on 03.07.2026 that her access card to the flat will be blocked. Therefore, she lodged a complaint with the 2nd respondent on 05.07.2026. He issued a CSR in CSR.No.915 of 2026. Thereafter, on 07.07.2026, 4th respondent sent a mail from the ID of his deceased father, calling upon the petitioner to vacate the premises and informed her that the security deposit will be transferred to her account.

4.As the petitioner was threatened with forcible dispossession, she immediately approached the Principal District Munsif Court at Chengalpet, by way of a suit. She sought the relief of permanent injunction restraining the owner from interfering with her peaceful possession and enjoyment of the property except otherwise in accordance with law. She also sought an injunction not to harass her or intimidate her through phone calls, messages or any other



mode of communication. This suit was taken on file as OS.No.107 of 2026.

Pending the suit, the petitioner, sought an interlocutory order of injunction against the landlord, her men, agents and subordinates, including the 3rd respondent from interfering with her peaceful possession and enjoyment, forcibly evicting her, blocking her access to the apartment, refusing the rental amount or otherwise disturbing her tenancy rights except otherwise in accordance with law. This application was received in I.A.No.2 of 2026. The learned District Munsif, Chengalpet, granted an order of *status quo* on 10.07.2026.

5.On 17.08.2026, the landlord sent an e-mail stating that she has presumed that the tenant would have removed her articles from the flat and consequently, processed the refund of security deposit. The landlord also informed that the society which manages the Estancia Apartment had been instructed to deactivate the access card of the petitioner. When the petitioner attempted to enter the premises, she was shocked to notice that the lock had been changed and the new key was withheld by the 3rd respondent.

6.It is pertinent to point out that the petitioner is a final year MBBS student and claims to have placed all her books and materials in the flat. She had occupied the flat as it was close to the educational institution where she is



pursuing her education.

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7.A mention was made in the morning of 20.08.2026 by Ms.Vijayalakshmi K.Rajaratnam that the petitioner had been dispossessed, despite an order of injunction in her favour and that when she approached the police for protection, she was informed to approach the jurisdictional Court to obtain orders.

8.*Prima facie*, as this Court is of the view that the petitioner had been forcibly dispossessed, Ms.Vijayalakshmi K.Rajaratnam was called upon to serve the papers to Mr.Arun Anbumani, Additional Public Prosecutor, so as to enable him to get instructions. When the matter was taken up for hearing at the end of the day, Mr.Arun Anbumani informed that the 3rd respondent is the Manager and the 4th respondent is the son of the owner, A.Karpagambal.

9.As private respondents are involved, in order to give them an opportunity to make their submissions, Mr.Arun Anbumani was requested by this Court to direct the police to serve the entire set of papers on respondents 3 & 4. The case was listed today.

10.When the matter was taken up for hearing in the morning, Ms.R.Prem



Rajakumari represented the 3rd respondent. A special report has been filed by the police stating that the 4th respondent is not in the country.

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11.Ms.R.Prem Rajakumari submitted that the tenancy agreement between the petitioner and the landlord A.Karpagambal had been terminated and on the instructions of the landlord, the access card of the petitioner to the Apartment was de-activated. She submitted that after the said act, the locks in the property were changed and it is now in the possession of other co-tenants. All the activities initiated by the 3rd respondent were only on the instructions of the landlord and the 3rd respondent never acted on his own.

12.Mr.Arun Anbumani states that the police promptly registered an CSR and that they will act in accordance with the directions of this Court.

13.I heard Ms.Vijayalakshmi K.Rajaratnam, Mr.Arun Anbumani, Additional Public Prosecutor and Ms.R.Prem Rajakumari and have gone through the records in detail.

14.The existence of the tenancy agreement between A.Karpagambal and the writ petitioner is admitted. It is also not in dispute that the plaintiff instituted a suit and obtained an interim order against the landlord and the 3rd respondent.



The suit is pending. It is also not in dispute that the access of the petitioner to the property, which she is rightfully entitled to occupy as a tenant, has been blocked by changing the locks. Her access card to the premises was also deactivated on the instructions of the landlord. In other words, the writ petitioner has been dispossessed in a manner not permitted by law.

15. At least a century ago, the law that prevails in this Country has been set forth by the Privy Council in ***Midnapur Zamindary Co.Ltd. Vs. Naresh Narayan Roy, (1924) 20 LW 770 @ 777*** that it is not open to anyone in this Country to dispossess another without following the due process of law. The Board made it clear that even the owner of the property cannot take the law in his / her own hands and act as he / she pleases. The wisdom behind this dictum is not too far to see. If the owner of the property decides to forcibly dispossess the tenant claiming the right to do so, there will not be an organised society, but the Country will descend into chaos. This view has been confirmed by the Supreme Court in ***Lallu Yeshwant Singh Vs. Rao Jagdish Singh and others, AIR 1968 SC 620*** and by High Courts (See, ***Yar Muhammad and anr. Vs. Lakshmi Das and ors., AIR 1959 All 1***).

16. This Court also recollects the judgment of the Supreme Court in ***Krishna Ram Mahale (Dead) by his LRs Vs. Mrs. Shobha Venkat Rao, AIR***



1989 SC 2097, wherein the Supreme Court had declared, a person in possession of the property, even if the right to remain has expired, cannot be dispossessed by the owner using force. Possession can only be taken in “**due course of law**”.

In this case, when the petitioner had an order in her favour, it becomes the duty of the 2nd respondent to ensure that she is not dispossessed.

17. This Court is alive to the situation that a writ petition is not a preferred or primary remedy. However, this Court can exercise its writ jurisdiction to restore possession in extraordinary circumstances, when there are no factual disputes. A writ petition is certainly maintainable when the issue presented does not involve complex or disputed questions of fact requiring oral evidence. The tenancy agreement is not disputed and also the fact that the petitioner rushed to the police seeking protection and she was directed to approach the Civil Court. Law respects possession. A party who takes law into his own hands and violates an interim order granted by the Civil Court cannot be allowed to enjoy the fruits of the illegal act. It is the duty of the Courts to restore the parties to the position that prevailed prior to the violation.

18. When there is a violation of a statutory duty to prevent an illegal act or to protect a citizen, who is protected by a valid order of a Civil Court, the High Court under Article 226 of the Constitution of India can step in, order



immediate restoration of the property and also give directions to the police to enforce the order of the Court. When an interim order is in force, and in violation of the same a party is unceremoniously thrown out, this Court cannot look the other way and let the injustice caused to continue.

19.As the private respondent has taken law into his own hands and forcibly dispossessed the petitioner in flagrant violation of the interim order, it can no longer said to be merely a private dispute.

20.As pointed out by the Allahabad High Court in *Waf Alalaulad and another Vs. Sundardas Daulatram and sons and others, 1996 JCLR (1) 879 (All)*, when a person, who has been dispossessed from his property by the brazen act of lawlessness, approaches this Court under Article 226, this Court does not exercise its power to enforce the contractual and legal obligations. It only directs the Government to enforce the Rule of Law and to protect life, liberty and properties of the people and if necessary, to restore the possession of the property to the person who has been dispossessed therefrom, leaving it open to the parties to get their rights adjudicated through Civil Courts. This Court reminds itself that it is the duty of a Constitutional Court to give succour to a person who has been forcibly dispossessed. To tell a person, whose property has been forcibly captured and seized, to file a suit for its recovery and be on the



streets till the suit is decided by the Civil Court, is nothing but slapping a person in distress.

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21.If the landlord cannot dispossess the tenant without resorting to due process of law, a person claiming under the landlord also cannot do so. The 3rd respondent does not have any independent right over the property. He claims to be an agent of the landlord A.Karpagambal. When an order of injunction is granted by the Court against A.Karpagambal and 3rd respondent, it is expected that both of them obey the order, rather than taking fervent steps to violate the same.

22.Insofar as the landlord and tenants are concerned, the relationship is governed by a legislation titled “***Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017***”. If the landlord is not in a position to invoke the jurisdiction of the Rent Court, she always has the remedy to approach the jurisdictional Civil Court to file a suit for ejectment and recover possession. Without doing so, any act of dispossession, which includes the de-activation of the access card of the petitioner or sending her out of her tenanted premises, cannot be treated as taking possession in manner known to law.

23.Accordingly, this Writ Petition is disposed of with the following



directions:-

(i) The 3rd respondent shall hand over the keys of the property to the writ petitioner;

(ii) The 3rd respondent shall also inform the society running the Estancia Apartment to activate the petitioner's access card;

(iii) The 2nd respondent shall ensure that aforesaid clauses (i) and (ii) are complied with;

(iv) The possession shall be given forthwith to the petitioner.

(v) Insofar as the dispute between the petitioner and landlord A.Karpagambal is concerned, they are free to agitate the same before the jurisdictional Civil Court or the Rent Court as the case may be.

25. Accordingly, this Writ Petition is disposed of. No costs.

26. Post this case as **Item No.1** on **24.08.2026** for reporting compliance.

21-08-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

NOTE : Upload order copy on 21.08.2026.



To

1.The Superintendent of Police
Chengalpattu Collectorate Campus,
GST Road, Chengalpattu, Tamilnadu.

2.The Sub Inspector of Police
Guduvanchery Police Station,
Tambaram Range, Chengapattu.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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WP CrI.No.2163 of 2026



V.LAKSHMINARAYANAN J.

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WP CrI. No. 2163 of 2026

21-08-2026