



W.P.Crl.(MD) No.3977 of 2026
& Cont.P.(MD)No.2133 of 2026

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 28.07.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD).No.3977 of 2026
& W.M.P.Crl.(MD).No.974 of 2026
& CONT P(MD). No.2133 of 2026

W.P.Crl.(MD) No.3977 of 2025

O.S.K.David

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
3. Samaya Kaveri

... Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents 1 and 2 herein not to interfere in civil dispute by extending their support to the third respondent to take forcible possession of the properties measuring an extent of 2.50 acres in S.No.693/20 of



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Thangachimadam Village, Rameswaram Taluk, Ramnad District, in the absence of any decree of recovery of possession in favour of the third respondent herein on the basis of the order dated 27.09.2017 in Crl.OP.(MD)No.12812 of 2017 and order dated 27.09.2017 in Crl.OP(MD)No.12926 of 2017 of this Court.

For Petitioner : Mr.T.Pon Ramkumar
For Respondent : Mr.D.Rajaboopathy (R1 & R2)
Government Advocate (Crl.)
Ms.Benazir Begam (R3)
for Mr.S.Mohamed Kadhar

CONT P(MD). No.2133 of 2026:

R.Samaya Kaveri ... Petitioner

Vs.

Mahesh Kumar,
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.

... Respondent

PRAYER:- Contempt Petition filed Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the deliberate and willful disobedience of the order passed by this Court in Crl.OP(MD)No.4316 of 2026 dated 27.02.2026.



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For Petitioner : Ms.Benazir Begam
for Mr.S.Mohamed Kadhar
For Respondent : Mr.C.Susikumar
Government Advocate (Crl Side)

COMMON ORDER

The Writ petitioner seeks a direction restraining the official respondents from extending police assistance to the third respondent for securing possession of the subject property without obtaining a decree for recovery of possession from the competent Civil Court. According to the petitioner, notwithstanding earlier orders passed by this Court protecting the parties from police interference in the civil dispute, attempts are once again being made to employ the police machinery for effecting what, in substance, would amount to delivery of possession.

2. The Contempt petitioner seeks the indulgence of this Court to initiate contempt proceedings against the respondent police therein for not complying the order passed by this Court in Cont.P.(MD)No.2133 of 2026 dated 27.02.2026.



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3. The controversy, therefore, lies within a narrow compass. This Court is not called upon to adjudicate questions of ownership or title. The only issue requiring determination is whether the police can, under the guise of providing police protection, facilitate one rival claimant in obtaining possession of immovable property when such possession itself is the subject matter of a continuing civil dispute.

GAMUT OF THE LITIGATION

4. The genesis of the dispute can be traced to an extent of 2.50 acres comprised in Survey No.693/20 of Thangachimadam Village, Rameswaram Taluk, Ramanathapuram District, admittedly forming part of Government poramboke land. According to the petitioner, the land was originally allotted under a coconut development scheme, whereby permission was granted to cultivate coconut trees and enjoy the usufructs thereof. Over the years, the right to enjoy the usufructs allegedly changed several hands through successive transactions before



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5. It is the specific case of the petitioner that although the Government continues to remain the owner of the land, his possession has been recognised by the revenue authorities through continuous issuance of B-Memo receipts and by the grant of electricity service connection and assessment to property tax. The petitioner would therefore contend that he has remained in settled possession of the property for several decades notwithstanding the absence of any proprietary title.

6. The records further disclose that disputes between the petitioner and the predecessors-in-interest of the third respondent commenced nearly two decades ago, culminating in a series of civil proceedings. While the petitioner initially succeeded in obtaining a decree for permanent injunction before the learned District Munsif cum Judicial Magistrate, Rameshwaram, the decree came to be reversed in



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appeal. The subsequent Second Appeal preferred before this Court was ultimately dismissed and the Special Leave Petition filed before the Hon'ble Supreme Court also came to be dismissed.

7. However, dismissal of the civil proceedings did not bring quietus to the controversy. Alleging repeated attempts by the rival party to secure possession through police intervention rather than by instituting a suit for recovery of possession, both parties approached this Court on earlier occasions by filing Criminal Original Petitions seeking police protection and counter directions restraining police interference. By order dated 27.09.2017 in Crl.O.P.(MD) No.12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017, this Court held, inter alia, that the police could not assist either party in taking possession in the absence of a decree for recovery of possession and that the dispute ought to be worked out before the competent Civil Court. Those orders have admittedly attained finality.



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8. Subsequently, proceedings under the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act' for brevity) were also initiated by the revenue authorities. The petitioner challenged the notice issued under Section 6 of the Act before this Court. The Division Bench, while disposing of the writ petition, relegated the petitioner to the statutory appellate remedy under Section 10 of the Act, whereupon an appeal is stated to be pending before the District Collector.

9. During the pendency of the said revenue proceedings, the third respondent once again approached this Court by filing Crl.O.P.(MD) No.4316 of 2026 seeking police protection. This Court, by order dated 27.02.2026, directed the jurisdictional police to summon both parties under Section 64 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to verify the documents produced by them and thereafter to act in accordance with G.O.Ms.No.139, Home (POL VIII) Department, dated 04.03.2019, if the requirements stipulated therein stood satisfied.



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10. Pursuant to the said order, summons came to be issued by the second respondent. The petitioner states that owing to his advanced age, he authorised his son to appear before the police and produce all the earlier judicial orders, particularly the order of this Court dated 27.09.2017 passed in Crl.OP(MD)No.12812 of 2017, asserting that no police protection could be granted for taking possession in the absence of a decree for recovery of possession. According to him, notwithstanding production of those materials, the police orally insisted that the earlier dismissal of the civil proceedings and the subsequent orders of this Court required them to extend police protection to the third respondent.

11. Feeling apprehensive that the police machinery may ultimately be utilised for dispossessing him from the subject property, the petitioner has invoked the extraordinary jurisdiction of this Court seeking a preventive writ restraining the police from interfering in what he characterises as a purely civil dispute.



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12. The petitioner claims possession over the subject property through his father, who allegedly acquired the right to enjoy the usufructs under an unregistered document dated 07.11.1990 from Rathinam, the predecessor-in-interest of the third respondent. According to the petitioner, the transaction related only to the enjoyment of coconut trees standing on Government land and, therefore, did not require compulsory registration. Ever since then, the petitioner and his family are stated to have remained in uninterrupted physical possession.

13. It is further pleaded that the Government itself recognised such possession by issuing B-Memo receipts from time to time and by permitting electricity service connection and payment of local taxes in respect of the property. The petitioner would therefore contend that irrespective of title, his long and continuous possession is a relevant circumstance which cannot be ignored while considering the legality of police interference.



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14. The petitioner would state that repeated attempts have been made by the third respondent and her predecessor to secure possession through police intervention rather than by initiating appropriate civil proceedings. It is his specific grievance that although this Court had already held in the earlier proceedings that police authorities cannot assist either party in obtaining possession without due process of law, the third respondent has once again sought police protection by suppressing the earlier orders passed by this Court.

15. The immediate cause for filing the present writ petition arose when, pursuant to the order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026, the second respondent initiated enquiry proceedings. According to the petitioner, the conduct of the enquiry indicated that the police had already formed an opinion in favour of the third respondent and were proposing to aid her in securing possession of the disputed property. Apprehending imminent dispossession otherwise



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than through due process of law, the present writ petition has been instituted.

CASE OF THE PETITIONER

16. Learned counsel appearing for the petitioner submitted that the subject property admittedly forms part of Government poramboke land and, therefore, neither the petitioner nor the third respondent can claim absolute title over the same. The petitioner's claim is confined to his long-standing physical possession and enjoyment of the usufructs through successive transactions originating from the original allottee under the Coconut Development Scheme. According to the learned counsel, the petitioner's possession has been recognised by the Government itself through continuous issuance of B-Memo receipts, electricity service connection and property tax assessments, thereby evidencing his settled possession over the property.

17. The learned counsel would further submit that the civil litigation between the parties has never culminated in any decree for

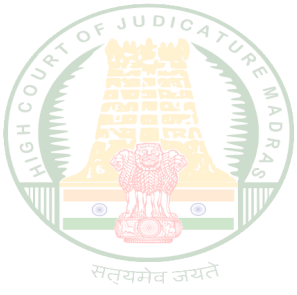


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recovery of possession in favour of the third respondent. Though the petitioner's suit for bare injunction ultimately failed and the Special Leave Petition also came to be dismissed, the consequence of such dismissal is only that the petitioner failed to establish his entitlement to an injunction. It does not automatically confer possession upon the third respondent nor authorise the police to dispossess the petitioner. According to the petitioner, if the third respondent intends to recover possession, the only course open to her is to institute appropriate civil proceedings and obtain a decree for recovery of possession.

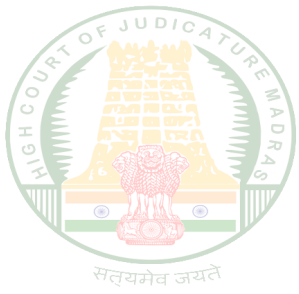
18. It is the further submission of the learned counsel that this Court had, by orders dated 27.09.2017 in Crl.O.P.(MD) No.12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017, categorically held that the police shall not interfere in the civil dispute or assist either party in taking possession of the property in the absence of a decree for recovery of possession. Those orders have attained finality and continue to bind the parties. The subsequent order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026, according to the petitioner,



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19. Learned counsel would therefore contend that the present writ petition has been necessitated only because the petitioner entertains a reasonable apprehension that the police, under the mistaken impression that the dismissal of the Second Appeal and the Special Leave Petition has conferred possessory rights upon the third respondent, may aid her in taking forcible possession. Such an exercise, it is submitted, would amount to permitting the police to execute civil rights, which is wholly impermissible in law.

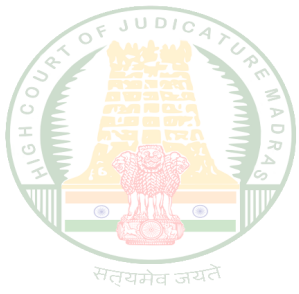


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20. The learned Government Advocate (Criminal Side), appearing for the official respondents, submitted that the police have no independent interest in the civil dispute between the parties. It is submitted that the enquiry was initiated only pursuant to the order dated 27.02.2026 passed by this Court in Crl.O.P.(MD) No.4316 of 2026 and that the second respondent is bound to act strictly in accordance with the directions issued therein. According to the official respondents, the police would neither adjudicate title nor decide questions relating to possession and would confine themselves to maintaining public order and implementing lawful directions issued by competent authorities.

21. The learned counsel appearing for the third respondent, while opposing the writ petition, submitted that the petitioner has no subsisting civil right capable of protection under Article 226 of the Constitution. It is contended that the petitioner has already suffered an adverse decree in the civil proceedings, the Second Appeal has been dismissed and the order of dismissal has been affirmed by the Hon'ble



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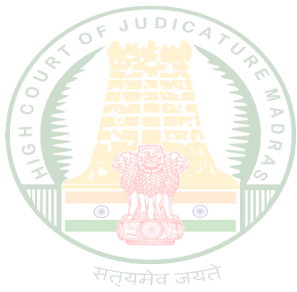
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Supreme Court. According to the third respondent, the petitioner cannot seek to indirectly revive the civil dispute through repeated criminal proceedings.

22. It is further submitted that the order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026 specifically directed the police to examine the documents produced by both parties and thereafter proceed in accordance with G.O.Ms.No.139, Home (POL VIII) Department, dated 04.03.2019. Therefore, the apprehension entertained by the petitioner is premature and no cause of action has arisen warranting interference by this Court at this stage. The respondents would contend that the writ petition deserves dismissal as being speculative and devoid of merit.

SUBMISSIONS ON EITHER SIDE

23. This Court heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the official respondents and the learned counsel appearing for the



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third respondent. The pleadings, documents placed on record and the earlier judicial orders relied upon by both parties were carefully perused.

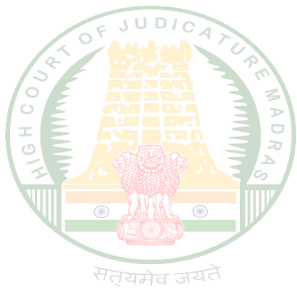
24. The learned counsel for the petitioner placed considerable reliance upon the decisions of the Hon'ble Supreme Court in ***Puran Singh v. State of Punjab***¹, ***Ram Rattan v. State of Uttar Pradesh***², ***Rame Gowda v. M. Varadappa Naidu***³ and ***P.R. Muralidharan v. Swami Dharmananda Theertha Padar***⁴, to contend that even a person in settled possession cannot be dispossessed except by due process of law and that police protection cannot be converted into a mechanism for securing possession of immovable property. Reliance was also placed upon the earlier orders passed by this Court in the *inter se* disputes between the parties, wherein similar relief sought by the third respondent had been declined.

1 1975 (4) SCC 518

2 1977 (1) SCC 188

3 2004 (1) SCC 769

4 2006 (40) SCC 501



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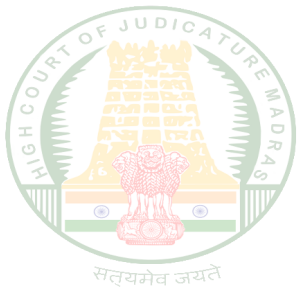
25. Per contra, the learned counsel for the third respondent would submit that the earlier civil proceedings have concluded against the petitioner and that the enquiry initiated by the police is only in obedience to the subsequent order of this Court passed in Crl.O.P.(MD) No.4316 of 2026. According to them, no interference is called for unless it is demonstrated that the police have acted beyond the scope of the directions issued by this Court.

POINTS FOR CONSIDERATION

26. Upon consideration of the rival submissions, the following points arise for determination:

(i) Whether the dispute between the petitioner and the third respondent essentially pertains to competing civil claims over possession of immovable property?

(ii) Whether the police are empowered to assist either party in obtaining possession of the subject property in the absence of a decree for recovery of possession passed by a competent Civil Court?



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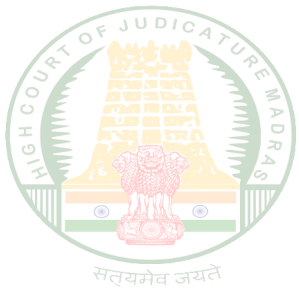
Nos.12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017, continue to govern the conduct of the police notwithstanding the subsequent order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026?

(iv) Whether the petitioner has made out a case warranting interference under Article 226 of the Constitution of India?

DISCUSSION AND ANALYSIS

Point No.(i): Whether the dispute between the parties is essentially civil in nature?

27. The pleadings and the materials placed before this Court unmistakably disclose that the dispute between the petitioner and the third respondent centres around possession and enjoyment of an extent of 2.50 acres comprised in Survey No.693/20 of Thangachimadam Village. Both parties trace their respective claims to a common source through successive transactions relating to the right to enjoy the

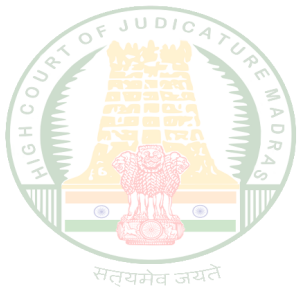


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usufructs over Government poramboke land. The petitioner claims long-standing possession recognised by issuance of B-Memo receipts and payment of electricity charges and property tax, whereas the third respondent relies upon the outcome of the earlier civil proceedings.

28. Significantly, the controversy does not pertain to any criminal offence requiring investigation by the police. Nor is this Court called upon to determine the better title between the rival claimants. Questions relating to ownership, possessory rights, recovery of possession and the legal consequences flowing from the earlier civil proceedings are matters falling squarely within the jurisdiction of the competent Civil Court. Such disputed civil rights cannot be adjudicated in proceedings under Article 226 of the Constitution of India.

29. This Court is therefore of the considered opinion that the present controversy retains its essential character as a civil dispute notwithstanding the repeated criminal proceedings instituted by the parties seeking police protection.



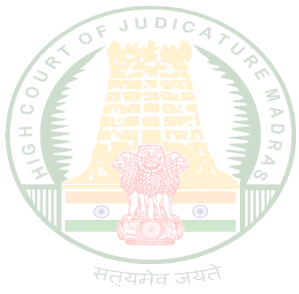
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Point Nos.(ii) & (iii): Scope of police interference and effect of the earlier orders of this Court

30. The principal grievance of the petitioner is that the police may assist the third respondent in obtaining possession of the property under the guise of implementing the order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026. This apprehension has to be examined in the light of the earlier judicial orders governing the parties.

31. It is an admitted position that by orders dated orders dated 27.09.2017 in Crl.O.P.(MD) Nos.12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017, this Court had categorically held that the police shall not interfere in the civil dispute by assisting either party to secure possession of the subject property in the absence of a decree for recovery of possession. Those orders have admittedly attained finality, there being no challenge thereto.

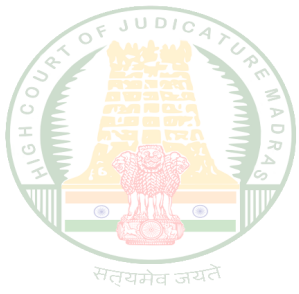


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32. Equally, it is true that subsequently, in Crl.O.P.(MD) No.4316 of 2026 vide order dated 27.02.2026, this Court directed the jurisdictional police to summon both parties under Section 64 of the Bharatiya Nagarik Suraksha Sanhita, 2023, examine the documents produced by them and thereafter act in accordance with G.O.Ms.No. 139, Home (POL VIII) Department, dated 04.03.2019, if the requirements stipulated therein stood satisfied.

33. A careful reading of the subsequent order does not indicate that this Court authorised the police to adjudicate questions relating to title or possession. Nor can the said order be construed as empowering the police to place either party in possession of the disputed property. The enquiry contemplated therein is only for the limited purpose of considering the request for police protection in accordance with the Government guidelines. Such an enquiry cannot be enlarged into an adjudication of civil rights.

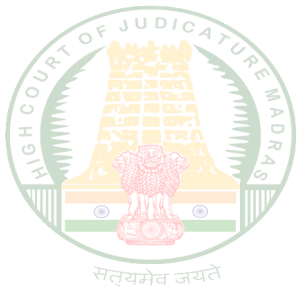


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34. It is a settled principle that the police are entrusted with the duty of maintaining law and order. They are not vested with jurisdiction to pronounce upon competing civil claims or to execute possessory rights over immovable property. Whenever rival claims regarding possession arise, the police are expected to maintain neutrality and leave the parties to work out their remedies before the competent Civil Court.

35. Equally well settled principle is that a decree dismissing a suit for bare injunction does not, by itself, amount to a decree for recovery of possession. Likewise, dismissal of the petitioner's Second Appeal and the consequential dismissal of the Special Leave Petition do not automatically place the third respondent in possession of the subject property. Recovery of possession can only be secured through a decree passed by a competent Civil Court and in the manner known to law.



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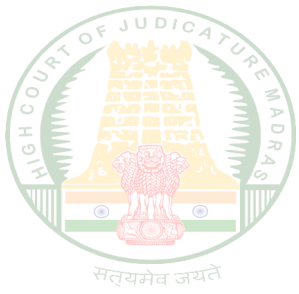
36. The decisions of the Hon'ble Supreme Court in ***Puran Singh v. State of Punjab***⁵, ***Rame Gowda v. M. Varadappa Naidu***⁶ and ***P.R. Muralidharan v. Swami Dharmananda Theertha Padar***⁷, relied upon by the petitioner, reiterate the salutary principle that even where questions of title remain disputed, parties cannot take the law into their own hands and secure possession through police intervention. The police cannot become an instrument for enforcing disputed civil rights, nor can police protection be employed as a substitute for execution of a civil decree.

37. At the same time, this Court cannot lose sight of the fact that the order dated 27.02.2026 in Crl.OP(MD)No.4316 of 2026, continues to operate. Therefore, the official respondents are equally bound to comply with the directions issued therein. The only caveat is that while acting under the said order, they shall remain within the confines of their statutory jurisdiction and shall not undertake any exercise which

5 Footnote 1 supra

6 Footnote 3 supra

7 Footnote 4 supra



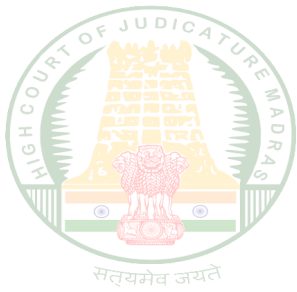
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Point No.(iv): Whether interference under Article 226 is warranted?

38. The extraordinary jurisdiction under Article 226 of the Constitution is intended to ensure that statutory authorities discharge their functions within the bounds of law. It is equally well settled that this Court, while exercising writ jurisdiction, ought not to adjudicate disputed questions of title or possession relating to immovable property.

39. In the case on hand, no material has been placed before this Court to demonstrate that the police have already dispossessed the petitioner or have actually delivered possession to the third respondent. The grievance projected by the petitioner is essentially one of reasonable apprehension arising out of the ongoing enquiry pursuant to the order dated 27.02.2026 passed in Crl.OP.(MD)No.4316 of 2026.



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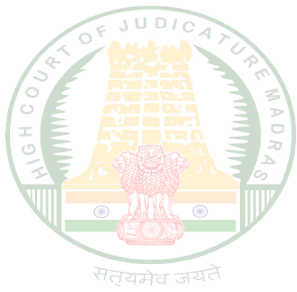
40. Such apprehension, though not wholly unfounded in the light of the chequered history of litigation between the parties, can be adequately addressed by clarifying the legal position governing the scope of police action. It is therefore unnecessary for this Court to issue a blanket injunction against the police. Instead, appropriate directions safeguarding the rights of both parties would sufficiently meet the ends of justice.

FINDINGS ON THE POINTS FOR CONSIDERATION

41. In view of the foregoing discussion, this Court answers the points for consideration as follows:

(i) Point No.(i): The dispute between the petitioner and the third respondent is essentially a civil dispute relating to possession of immovable property.

(ii) Point Nos.(ii) & (iii): The police have no authority to assist either party in obtaining possession of the disputed property in the absence of a decree for recovery of possession passed by a competent



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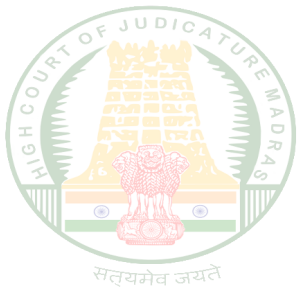
Civil Court. The earlier orders dated 27.09.2017 in Crl.O.P.(MD) No. 12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017 passed by this Court continue to govern the field and shall be borne in mind while implementing the subsequent order dated 27.02.2026 in Crl.O.P. (MD)No.4316 of 2026.

(iii) Point No.(iv): Interference under Article 226 is warranted only to the limited extent of ensuring that the official respondents act strictly within the limits of law and do not convert police protection into a means of resolving civil disputes or effecting delivery of possession.

42. In the result, this Writ Petition is disposed of with the following directions:

(i) The official respondents shall continue the enquiry pursuant to the order dated 27.02.2026 passed in Crl.O.P.(MD) No.4316 of 2026, strictly in accordance with the directions contained therein and the applicable Government Orders.

(ii) While conducting such enquiry, the official respondents shall take into consideration the earlier orders passed by this Court dated



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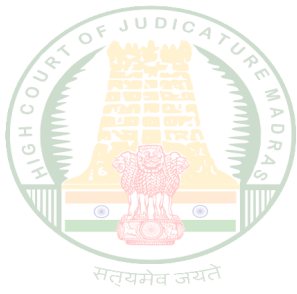
27.09.2017 in Crl.O.P.(MD) No.12812 and dated 28.09.2017 in Crl.O.P.(MD) No.12926 of 2017, which have admittedly attained finality.

(iii) The official respondents shall not adjudicate questions relating to title or possession nor extend police assistance to either party for securing possession of the disputed property in the absence of a decree for recovery of possession passed by the competent Civil Court.

(iv) If any breach of peace or law and order situation arises, it is always open to the police to take appropriate preventive measures strictly in accordance with law, without expressing any opinion on the civil rights of the parties.

(v) It is made clear that this order shall not prejudice the rights of either party to pursue their respective remedies before the competent Civil Court or the competent revenue authorities, and all questions relating to title, possession and recovery of possession are left open to be decided in the appropriate proceedings.

(vi) Consequently, connected miscellaneous petitions, if any, shall stand closed. No costs.



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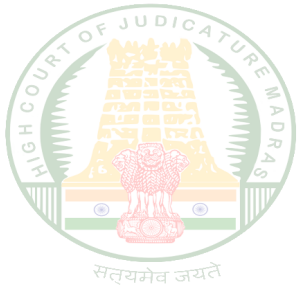


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43. With the above observations and directions, the Writ Petition
and the Contempt Petition stands disposed of. No costs.

28.07.2026

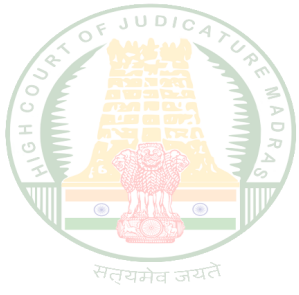
NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml/sm



W.P.Crl.(MD) No.3977 of 2026
& Cont.P.(MD)No.2133 of 2026

WEB COPY
To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram District.
2. The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
3. Mahesh Kumar,
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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& Cont.P.(MD)No.2133 of 2026

L.VICTORIA GOWRI, J.

Sml/sm

Common Order made in
WP.Crl.(MD)No.3977 of 2026
& CONT P(MD). No.2133 of 2026

28.07.2026