



W.P.No.4033 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.4033 of 2023

S.A.Ganesan

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi Police Commissioner Office,
Avadi - 600 054.

2.The Deputy Commissioner of Police,
Madhavaram Range,
Madhavaram - 600 060.

3.The Inspector of Police,
E-5, Sholavaram Police Station,
Sholavaram.

4.Subhashini

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent herein to give police protection to the petitioner to continue the business in the property comprised in Old S.No.81/1B, New S.No.81/1B1A, 81/1B1B & 81/1B12 totally measuring to an extent of 1 Acre 35 Cents at Jaganathapuram Village, Ponneri Taluk, Thiruvallur District by considering his representation dated 24.01.2023.



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For Petitioner : Mr.K.Madhan
For R1 to R3 : Mr.K.M.D.Muhilan,
Additional Public Prosecutor
For R4 : Mr.R.Muthukumar

ORDER

This writ petition is filed to direct the 3rd respondent herein to give police protection to the petitioner to continue the business in the property comprised in Old S.No.81/1B, New S.No.81/1B1A, 81/1B1B & 81/1B12 totally measuring to an extent of 1 Acre 35 Cents at Jaganathapuram Village, Ponneri Taluk, Thiruvallur District by considering his representation dated 24.01.2023.

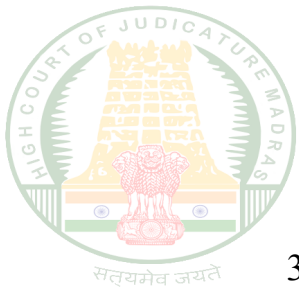
2.It is the case of the petitioner that the petitioner is a lessee in respect of the subject land and the petitioner had invested a huge sum for construction and establishment of his business in the subject property. While so, it is the grievance of the petitioner that the 4th respondent along with 10 other henchmen trespassed into the subject property and demanded to vacate the premises under coercion. When the petitioner tried to lodge a complaint, the Police did not receive his complaint. The petitioner has filed



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a civil suit in O.S.No.218 of 2022 before the Additional Sub-Court, Ponneri, seeking permanent injunction. The learned Sub-Judge has granted interim injunction on 13.09.2022 as against the 4th respondent and others. Even then, on 07.10.2022, the 4th respondent, along with several hooligans, trespassed into the property and ransacked the assets of the petitioner's saw mill and looted things in a lorry bearing no registration number. When the petitioner approached the 3rd respondent Police immediately, the Police refused to entertain the complaint. Even on 13.10.2022, around five henchmen came in a JCB Vehicle bearing Registration No.TN-65-CAB-427 and criminally trespassed into the petitioner's property and demolished the building constructed by the petitioner worth about Rs.50,00,000/- and have also looted the construction materials worth about Rs.1,50,000/-. One more attempt was also made on 22.01.2023 to trespass into the petitioner's property, however, the same was restrained by the watchman engaged by the petitioner. In view of the repeated criminal trespass made by the 4th respondent and her henchmen, the petitioner has come forward with this writ petition seeking police protection to continue his business in the subject property.

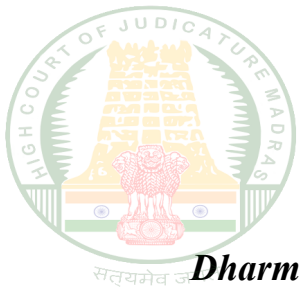


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3. Heard the learned counsel on either side and perused the materials available on record.

4. At the outset, this Court is of the view that the police protection as sought for by the petitioner cannot be granted, particularly, when there is a civil suit pending between the parties. Even according to the petitioner, a civil suit in O.S.No.218 of 2022 is pending before the Additional Sub-Court, Ponneri, as against the 4th respondent and others for permanent injunction and it is also stated that an order of interim injunction has been granted by the Civil Court. While such being the position, if at all there is any violation of the order of injunction by the 4th respondent and his parties, nothing prevented the petitioner from approaching the Civil Court for getting necessary orders in the pending injunction suit. Instead, approaching this Court seeking a mandamus under Article 226 of the Constitution of India for police protection to virtually enforce the order of injunction granted by the Civil Court, is not permissible. The practice of granting blanket orders of police protection, particularly in respect of civil disputes regarding immovable property, would lead to serious consequences. In this aspect, the Hon'ble Apex Court, in the case of ***PR.Muralidharan and others v. Swami***



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Dharmananda Theertha Padar reported in **2006 (4) SCC 501**, has held as

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follows:

“...19.A Writ for "Police Protection“ so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

5.Admittedly, when civil suit is pending between the parties, the petitioner can very well move the Civil Court for violation of interim injunction granted in favour of him. In such view of the matter, this Court is not inclined to entertain this writ petition.

6.Accordingly, this writ petition is dismissed. No costs.

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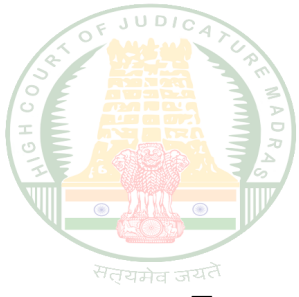
Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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N. SATHISH KUMAR, J.

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