



W.P.No.4617 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.4617 of 2021
and W.M.P.No.5256 of 2021

Chitra

.. Petitioner

vs

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 3.T.Govindasamy

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and second respondents to provide police protection to the petitioner's family to live in her house at No.11A/39, Nellukara Street, Big Kancheepuram, Kancheepuram District which was unlawfully demolished by the third respondent contrary to the order of the High Court by considering the representation of the petitioner dated 23.3.2020 on the file of the first and second respondents.



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For Petitioner : Mr.A.Ramesh
for Mr.R.Sankarasubbu

For Respondent : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.M.Habeeb Rahman
Government Advocate
for respondent Nos.1 and 2

: Mr.K.V.Babu
for respondent No.3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Petitioner has filed this writ petition to direct respondent Nos.1 and 2, i.e., the District Collector and the Superintendent of Police, to provide police protection to her family to live in her house, which was unlawfully demolished by respondent No.3.

2. Mr.Babu, appearing for respondent No.3, states that in the place where the structure was demolished, a new building has been put up by his client and his client is in peaceful possession.



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3. If the house has been demolished – lawfully or unlawfully, how could somebody reside in the said house, because the house has ceased to exist. In such a situation, how can any mandamus be issued to respondent Nos.1 and 2 to provide police protection.

4. Counsel for petitioner, in fairness, states that petitioner is residing in another place.

5. Since the house does not exist, the question of granting the relief as prayed for does not arise. Petition is, accordingly, dismissed.

At the same time, if petitioner fears for her life or the lives of her two children, who, we are informed, are still minors, petitioner may make a fresh application to respondent Nos.1 and 2 for police protection and respondent Nos.1 and 2, after making a risk assessment, shall provide police protection if they are satisfied that there is a risk to the lives of the petitioner or her two minor children.



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6. We clarify that we have not made any observation on the suit filed by petitioner and all rights and contentions therein are kept open.

There shall be no order as to costs. Consequently, interim application also stands dismissed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ.J.)

05.02.2025

Index : Yes/No
NC : Yes/No
sasi

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.



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THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

(sasi)

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