



WEB COPY

WP No. 5348 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 5348 of 2023

1. Samiappan

2. Usha Rani

3. Arun Prasadh

Petitioner(s)

Vs

1. The Superintendent of Police,
Salem district

2.State Represented by
Inspector of Police,
Kolathur Police Station, Kolathur,
Mettur Taluk, Salem district

3.Moorthi,

(3rd respondent was impleaded vide
order dated 30.03.2023 made in WMP
No.7136 of 2023 in WP.5348/2023)

Respondent(s)



PRAYER

This Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 2nd respondent to give police protection on the complaint dated 21.12.2022 in C.S.R. No. 442 of 2022 dated 22.12.2022 to life and property of the petitioners.

For Petitioner(s): Mr. A.Sundaravadhanan

For Respondent(s): Mr. R. Vinothraja,
Govt. Advocate (crl.side)

ORDER

The present writ petition has been filed seeking issuance of a writ of mandamus to direct the 2nd respondent to provide police protection to the petitioners' life and property.

2. According to the petitioners, they had filed a suit in O.S.No.45 of 2012 before the Sub Court, Mettur seeking declaration and permanent injunction, which was decreed in their favour. It is stated that they are in possession of the property, and the suit was decreed in their favour. Challenging the said decree and judgment, an appeal has been filed and the same is pending. During the pendency of the appeal, subsequent alienation has taken place and now the 3rd respondent is attempting to disturb the possession of the petitioners.



3. I have heard the learned Government Advocate (crl.side) appearing for the respondents 1 and 2 and perused the materials available on records carefully.

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4. The grievance of the petitioners is that the third respondent is trying to interfere with their possession. Since the appeal is pending and the petitioners are admittedly in possession, it is open to them to file an appropriate application for temporary injunction before the appellate Court to protect their possession and the appellate Court shall consider the same on merits and in accordance with law.

5. With the above observations and directions, this writ petition is disposed of . No costs.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp



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N.SATHISH KUMAR J.

mrp

To

- 1.The Superintendent of Police,
Salem district
2. The Inspector of Police,
Kolathur Police Station,
Kolathur, Mettur Taluk,
Salem district

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