



W.P.No.11841 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.11841 of 2023

Sengodagounder

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Nethimedu, Salem – 636 002.

2.The Deputy Superintendent of Police,
Mettur, Salem District.

3.The Inspector of Police,
Kolathur Police Station,
Mettur, Salem District – 636 303.

4.K.R.Mani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to give adequate Police protection to the petitioner's life and property based on the judgment dated 26.04.2022 made in O.S.No.176 of 2011 by taking action on the petitioner's complaint dated 19.12.2022 in view of the decision of this Court reported in (2014) 2 CTC 695.



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For Petitioner : Mr.K.Sathish Kumar
For R1 to R3 : Mr.K.M.D.Muhilan,
Additional Public Prosecutor
For R4 : Ms.N.Ilakkiya

ORDER

This writ petition is filed to direct the respondents 1 to 3 to give adequate Police protection to the petitioner's life and property based on the judgment dated 26.04.2022 made in O.S.No.176 of 2011.

2.It is the case of the petitioner that he is the owner of the subject property and he is in possession and enjoyment of the same. However, the 4th respondent, without any semblance of right, filed a suit in O.S.No.176 of 2011 before the District Munsif Court, Mettur, against the petitioner and his family members, for permanent injunction. The said suit was dismissed by the trial Court by judgment dated 26.04.2022, on the ground that the plaintiff/4th respondent herein failed to prove his possession in the subject property, particularly, Item Nos.2 and 3 of the suit property. Challenging the judgment of the trial Court, the 4th respondent has filed an appeal before the Sub-Court, Mettur, in A.S.No.16 of 2022 and the same is pending. Further,



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the petitioner has also filed a suit in O.S.No.49 of 2010 before the District Munsif Court, Mettur, against the 4th respondent, for permanent injunction and an order of interim injunction is also granted in favour of the petitioner herein on 17.12.2012. Despite the same, the 4th respondent trespassed into the petitioner's property and prevented him from irrigating his lands and cutting the trees. Hence, the petitioner has come forward with the present writ petition seeking Police protection.

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 allegations made out by the petitioner *prima facie* appear to be purely civil in nature. Though it is the contention of the petitioner that the Civil Court has dismissed the suit filed by the 4th respondent for permanent injunction on the ground that the 4th respondent has not proved his possession and particularly by observing that the petitioner is in possession of the subject property, admittedly, an appeal is now pending in A.S.No.16 of 2022. Further, even according to the petitioner, the suit filed by him in O.S.No.49 of 2010 as against the 4th



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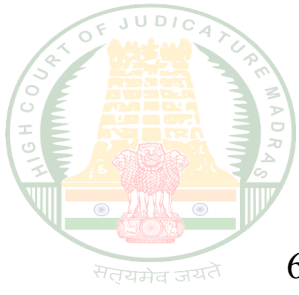
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respondent is also pending, where an order of interim injunction has been granted in his favour. The Hon'ble Apex Court, in the case of ***PR.Muralidharan and others v. Swami Dharmananda Theertha Padar*** reported in ***2006 (4) SCC 501***, has held as 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.**”*

(emphasis supplied)

5. When the rights have not been determined finally between the parties, if at all there is any threat to his possession, it is for the petitioner to work out his remedy either before the Appellate Court or in the trial Court where his suit is pending. The practice of granting blanket orders of police protection, particularly in respect of civil disputes regarding immovable property, would lead to serious consequences. Therefore, this Court is not inclined to grant the relief of Police protection at this stage.



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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

To

1. The Deputy Superintendent of Police,
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2. The Deputy Superintendent of Police,
Mettur, Salem District.
3. The Inspector of Police,
Kolathur Police Station,
Mettur, Salem District – 636 303.
4. The Public Prosecutor,
High Court, Madras.

N. SATHISH KUMAR, J.



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