



W.P.No.14026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.14026 of 2022

and

W.M.P.No.13273 of 2022

Kothandan

... Petitioner

Vs.

1.The District Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

2.The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.

3.Parthiban

4.Mohan

5.Sathish

6.Lokesh

7.Vasantha

8.Ponnathai Nayakar

9.Sornnammal

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to provide Police protection to the property comprised in S.No.205/3 to an extent of 1 Acre and 28 Cents and the property comprised in S.No.215/7 to an extent of 1 Acre 17 Cents situated at Anuppathur Village, Cheyyar Taluk, Tiruvannamalai District for the peaceful enjoyment of the same based on the petitioner's representation dated 22.05.2022.

For Petitioner	:	Mr.C.Prabakaran
For R1 and R2	:	Mr.K.M.D.Muhilan, Additional Public Prosecutor
For R3 to R9	:	No appearance

ORDER

This writ petition is filed to direct the 2nd respondent to provide Police protection to the property comprised in S.No.205/3 to an extent of 1 Acre and 28 Cents and the property comprised in S.No.215/7 to an extent of 1 Acre 17 Cents situated at Anuppathur Village, Cheyyar Taluk, Tiruvannamalai District for the peaceful enjoyment of the same based on the petitioner's representation dated 22.05.2022.



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2.It is the case of the petitioner that he is the owner of the subject property. On 27.09.2018, when the petitioner was leveling the field in his land, the private respondents interfered and assaulted and abused him in filthy language and therefore, a complaint was lodged in that regard. Thereafter, the petitioner filed a suit in O.S.No.229 of 2018 before the Sub-Court, Cheyyar, Tiruvannamalai District, as against the private respondents for declaration of title and permanent injunction. The said suit was decreed in his favour on 07.10.2020. However, it is the grievance of the petitioner that, despite Civil Court decree, on 08.05.2022, the private respondents trespassed into the petitioner's land and abused him and threatened him with dire consequences and he lodged a complaint with the Police in that regard. Since no action was taken, the petitioner has come forward with this writ petition seeking Police protection.

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



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4.The petitioner seeks Police protection based on the decree of the Civil Court in his favour, dated 07.10.2020, in a suit for declaration of title and permanent injunction in O.S.No.229 of 2018 on the file of the Sub Court, Cheyyar, Tiruvannamalai District. It is relevant to note that it is an *ex parte* decree. Having obtained a decree in his favour, the petitioner ought to have resorted to execution proceedings by filing an Execution Petition under Order XXI CPC. Suppose a third party is already in possession of the subject property, he will have an independent right to be adjudicated upon, if an Execution Petition is properly taken out by the petitioner to execute the decree in his favour. In this aspect, 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.”



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5. Therefore, this Court is of the view that if a blanket order of Police protection is granted, it may lead to displacing a person who may have his independent right in the property which can be adjudicated only in an Execution Petition under Order XXI CPC. Therefore, in order to avoid all these, this Court is not inclined to grant Police protection as sought for by the petitioner, at this stage. If the petitioner is so advised, let him file a petition under Order XXI CPC to execute the decree in his favour as per law. Without exhausting such civil remedy available to him, the petitioner cannot be granted the relief in a writ petition.

6. Therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2025

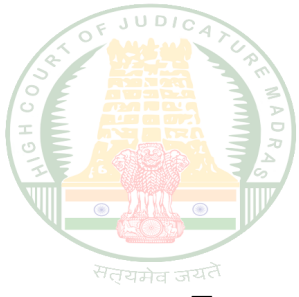
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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No



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To

- 1.The District Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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