



WEB COPY



W.P.No.19591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.19591 of 2025

Madhusudhanan S.

... Petitioner

versus

1. The Inspector of Police,
K7, ICF Police Station,
Chennai – 38.
 2. The Additional Superintendent of Police,
E.O.W. Ashok Nagar Police Station,
Chennai,
(C.C.No.10 of 2023 in Crime No.21 of 2022).
- ... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to consider the petitioner's representation dated 01.10.2024 and directing the respondent to provide necessary Police protection to facilitate the removal of the unlawful lock affixed on the petitioner residence at the ground floor, Flat-A, in Duplex Type, bearing Old Door No.15A, New Door No.134, Madras Battai Road, Villivakkam, Chennai – 600 049.



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For Petitioner : Mr.G.M.Gokulram
for M/s.Ram Gokul Advocates
and Associates

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to consider the petitioner's representation dated 01.10.2024, wherein and whereby, the petitioner sought Police protection to facilitate removal of the unlawful lock affixed on the petitioner's residence in the ground floor, Flat-A, in Duplex Type, bearing Old Door No.15A, New Door No.134, Madras Battai Road, Villivakkam, Chennai – 600 049.

2. According to the petitioner, he is residing in the ground floor, Flat-A, in Duplex Type, bearing Old Door No.15A, New Door No.134, Madras Battai Road, Villivakkam, Chennai – 600 049. The said property originally belonged to his father, and out of his love and affection, the petitioner's father executed a registered settlement deed in favour of the petitioner. It is



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further stated that the petitioner's wife was arrested on 16.03.2024 for the alleged offences punishable under Sections 120 B, 409, 420, 109, 34 IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act, 1997 and Sections 21(3), 22, 23, 24 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019 in Crime No.21 of 2022 on the file of the Inspector of Police, E.O.W., Ashok Nagar Police Station, Chennai. Through the confession of his wife, the petitioner's name is added as accused and he was arrested and remanded to judicial custody on 17.03.2024 and he was released on bail on 24.03.2025. Upon his release, the petitioner went to his residence, where the petitioner found that in the said premises a lock was affixed in the entrance. On enquiry, it came to the knowledge of the petitioner that certain individuals, under the guise of being investors, in the above mentioned crime, had entered into the property and affixed the said lock. It is further stated that the aforesaid property has neither been seized or attached nor included in the criminal proceedings in Crime No.21 of 2022. Hence, the petitioner made a representation dated 30.10.2023 to the respondents seeking Police protection to facilitate the removal of the unauthorised lock. Since there was no response from the



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respondents, the present petition has been filed.

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3. Learned Additional Government Pleader appearing for the respondents submitted that the allegation against the Company viz., M/s.Hijau Associates Private Limited is that, the said Company had been collecting deposits from the public with false and alluring promise of paying exorbitant interest and thereafter, they did not pay the interest and also failed to return the deposited money. Hence, the depositors, who lost their investments, have filed complaint against the Company. The petitioner herein is one of the Directors of M/s.Hijau Associates Private Limited, who had entered into criminal conspiracy with other accused and had committed breach of trust by collecting unregulated deposits and that criminal case is also pending against him. He further submitted that the petitioner, without impleading the interested parties and rival claimants, the petitioner has filed the present petition.

4. If the petitioner wants to ascertain his right he has to move the Civil Court for appropriate remedy and without impleading the necessary

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parties, the petitioner is not entitled to get the relief as sought for in this petition. Hence, the writ petition is not maintainable and accordingly, the writ petition is dismissed. There shall be no order as to costs.

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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