



WP.(Crl).No.509 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 13.08.2025

CORAM
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.(Crl).No.509 of 2015

C.Mohan

.. Petitioner

Versus

1. The Superintendent of Police
Krishnagiri District, Krishnagiri

2. The Inspector of Police
K.R.P.Dam Police Station
Krishnagiri

3. S.Kamatchi

4. M.Shanmugam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondent herein to act upon the petitioners complaint dated 21.06.25 and 23.07.25 and to provide necessary police protection to the agricultural land in Survey No.294/1A3 in Periyamuthur-2, Avathanapatti Village, Krishnagiri Taluk & District absolutely owned and possessed by the petitioner as per the civil court order in O.S.No.154 of 2022 dated 01.04.2025 passed by the Additional Sub Judge, Krishnagiri.

For Petitioner : Mr.S.Sathiaseelan

For Respondents : Mr.K.M.D.Muhilan for R1 & R2
Additional Public Prosecutor

ORDER



WP.(Crl).No.509 of 2025

WEB COPY

This writ petition has been filed seeking for direction to the 1st and 2nd respondent herein to act upon the petitioners complaint dated 21.06.25 and 23.07.25 and to provide necessary police protection to the agricultural land in Survey No.294/1A3 in Periyamuthur-2, Avathanapatti Village, Krishnagiri Taluk & District absolutely owned and possessed by the petitioner as per the civil court order in O.S.No.154 of 2022 dated 01.04.2025 passed by the Additional Sub Judge, Krishnagiri.

2. According to the petitioner, he is in possession of the property. The third respondent has filed a suit for specific performance as against the petitioner in O.S.No.154 of 2022 on the file of the Additional Sub Judge, Krishnagiri to enforce the contract said to have taken executed by the petitioner. However, the said suit was dismissed on 01.04.2025. While dismissing the suit, the Trial Court clearly held that the part performance claimed by the third respondent cannot be maintainable since the agreement is not admissible in evidence. Therefore, according to the petitioner, as the Trial Court has held that the third respondent is not in possession, now the third respondent is trying to interfere with the peaceful possession of the petitioner. Hence, seeks for police protection.

3. At the outset, this Court is of the view that such a blanket direction cannot be granted. The Court has negatived the relief of specific performance



WP.(Crl).No.509 of 2025

on the ground that the document has not been registered as required under law, therefore, whether the person is in actual possession are not cannot be decided at this stage. If at all, any attempt is made to interfere with the peaceful possession of the petitioner, it is for the petitioner to make appropriate complaint before the police authorities for registration of FIR or file a suit for permanent injunction as against the alleged perpetrator before the civil court, instead of doing so, seeking a general direction for police protection cannot be granted.

4. It is the contention of the learned counsel for the petitioner that the suit has been dismissed and the finding in favour of the petitioner should be treated as a decree holder. No doubt, any findings recorded is also binding on the parties to the suit, the fact remains that the Trial Court has dismissed the claim of the plaintiff for part performance on the grounds that the document has not been registered as required under Section 17 of the Registration Act and the petitioner was not ready and willing to perform the contract to seek protection under Section 53-A of the Transfer of Property Act.

N.SATHISH KUMAR, J.

5. Such view of the matter, through police authorities, the petitioner



WP.(Crl).No.509 of 2025

cannot secure the possession as indicate above. If at all, any attempt is made to interfere with the peaceful possession, it is well open to the petitioner to file a complaint or approach the competent civil court.

6. Accordingly, this petition stands dismissed. No costs.

13.08.2025

dhk

Index :Yes/No

Internet :Yes/No

To,

1.The Superintendent of Police
Krishnagiri District, Krishnagiri

2. The Inspector of Police
K.R.P.Dam Police Station
Krishnagiri

W.P.Crl.No.509 of 2025