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W.P.Crl.No.661 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.Crl.No.661 of 2025

G.Venkatesan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Rural Development and Panchayat Raj Department.
2. The District Collector,
Officer of Collectorate,
Kancheepuram
3. The Tahsildar. Sriperumbathur.
4. The Inspector of Police,
Law and Order, C-5 Oragadam Police Station,
Kancheepuram District.
5. M.T.Dhayalan

... Respondents

PRAYER : Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ, to direct the fourth respondent to grant protection to the third respondent Tahildar, Land Survey, Sriperumbathur Taluk to measure the plot comprised in S.No.323/24 situated at Sriperumbathur Taluk, Kancheepuram Taluk.



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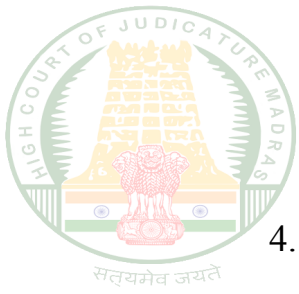
For Petitioner : Mr.J.R.K.Bhavanantham
For R1 to R4 : Mr.K.M.D.Muhilan
Additional Public Prosecutor
For R5 : Mr.S.Anil Sandeep

ORDER

The Writ Petition (Criminal) has been filed seeking a direction to the fourth respondent to provide protection for the third respondent for conducting survey.

2. According to the petitioner, he has obtained a patta and has also paid survey fees. However, when he was about to conduct the land survey, the fifth respondent objected the same. Hence the present petition has been filed.

3. Learned counsel appearing for the fifth respondent submitted that the fifth respondent is the absolute owner of the property and he has also filed a suit in O.S.No.294 of 2025 before the Sub Court, Kancheepuram, seeking declaration of title.



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4. Heard both sides and perused the materials available on record.

5. At the outset, this Court is of the view, such protection cannot be granted, particularly when there is a rival claim by the other side. The practice of granting blanket police protection, especially in respect of immovable property without establishing title, leads to serious consequences. In this aspect, the Hon'ble Apex Court in **"PR.Muralidharan and others Vs. Swami Dharmananda Theertha Padar"** reported in (2006) 4 SCC 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."

6. In view of the above, there shall not be any blanket Order for police protection and the disputed facts between the parties shall be agitated only before the civil Court in accordance with law. During the pendency of the suit, the petitioner may file a private application before the Court below.



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18.09.2025

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Neutral Citation:Yes/No

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department.
2. The District Collector,
Officer of Collectorate,
Kancheepuram
3. The Tahsildar. Sriperumbathur.
4. The Inspector of Police,
Law and Order, C-5 Oragadam Police Station,
Kancheepuram District.
5. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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