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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

WP Crl. No. 885 of 2025

and

WPMP CRL. No. 406 of 2025

N.Udayakumar

Appellant(s)

Vs

1. The Superintendent of Police,
Office of Superintendent of Police,
Chengalpattu District.

2.The Inspector of Police,
G-4, Cheyyar Police Station,
Cheyyar Taluk, Chengalpatu District.

3.The Sub Inspector of Police
Anaicut Police Station,
Chengalpattu District.

4.Babu
The Inspector of Police,
G-4, Cheyyur Police Station,
Cheyyur Taluk, Chengalpattu District.

5.G.Perumal

6.B.Loganathan

Respondent(s)



PRAYER: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents Nos.1 to 4 from interfering with the Petitioner's peaceful possession and enjoyment of the land comprised in Old Survey No.3A/1A, and in new survey No.34/1A2, measuring an extent of 0.01 ½ cents, situated at Thiruvathur Village, Cheyyur Taluk, Chengalpattu District, pending disposal of A.S.No.14 of 2025 on the file learned Subordinate Judge at Madurantakam, Chengalpattu.

For Appellant(s): Mr.R.Ragavendran

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor
for R1 to R3
No appearance - R4
Mr.K.Govi Ganesan for R5 & R6

ORDER

This petition has been filed seeking to forbear the respondents 1 to 4 from interfering with the petitioner's peaceful possession and enjoyment of the land comprised in Old Survey No.3A/1A and in New Survey No.34/1A2, measuring an extent of 0.01 ½ cents, situated at Thiruvathur Village, Cheyyur Taluk, Chengalpattu District, pending disposal of A.S.No.14 of 2025, on the file learned Subordinate Judge at Madurantakam, Chengalpattu.

2.The case of the petitioner is that the land comprising in Old Survey No.3A/1A and in New Survey No.34/1A2, measuring an extent of 0.01 ½ cents,



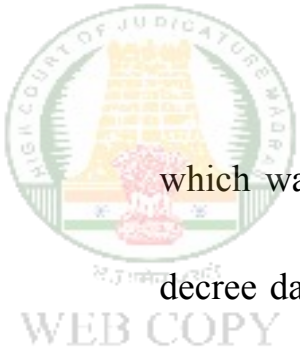
situated at Thiruvathur Village, Cheyyur Taluk, was owned and possessed by the petitioner's mother Mrs.N.Amirthammal, who purchased the same from one Mr.Ragavan under two sale deeds dated 07.03.1967 and 30.09.1969, registered as Document Nos.202 of 1967 and 1358 of 1969. It is his further case that his mother expired, leaving behind her husband Mr.Narayanasamy, petitioner and Mrs.R.Logambigai as her legal heirs. Petitioner's father sold 0.01 ½ cents out of the total extent of 0.12 cents to the fifth respondent in and by way of a sale deed dated 13.12.1992 registered as Document No.354 of 1993, without mentioning any boundaries. According to the petitioner, the sale deed is void, unenforceable and a fraudulent document.

2.1.Though the sale deed was executed, the petitioner is in absolute possession and enjoyment of the said land to date and he had constructed a compound wall and also put up a gate. Moreover, the said land measuring an extent of 0.01 ½ cents is used as pathway for ingress and egress by the petitioner and adjacent land owners. Respondents 5 and 6 were never in possession and enjoyment of the aforesaid land at any point of time.



2.2.The fifth respondent instituted a suit in O.S.No.22 of 1997 before the learned District Munsif Court, Madurantakam against the petitioner and his sister for the relief of declaration and injunction and the suit was decreed partially to an extent of 0.01 cents out of 0.12 cents and was dismissed against $\frac{1}{2}$ cent vide judgment and decree dated 30.08.2001. Thereafter, the fifth respondent filed an appeal in A.S.No.8 of 2007, before the Sub Court, Madurantakam and the appeal was allowed. The petitioner challenged the said judgment and decree passed in the said appeal in S.A.No.875 of 2011 before this Court, which was dismissed vide judgment and decree, dated 15.09.2017.

2.3.The petitioner further contended that he along with his sister Mrs.R.Logambigai have perfected their title by adverse possession against respondents 5 & 6. Hence, respondents 5 & 6 had filed a suit in O.S. No.24 of 2024 before the learned District Munsif-cum-Judicial Magistrate, Cheyyur, to declare title over the said land and for a consequential injunction and also to declare the said sale deed, dated 08.09.2021 as null and void. Respondents 5 & 6 filed an interlocutory application in I.A.No.5 of 2024 for rejection of plaint,



which was allowed on 04.07.2025 and the suit was rejected by judgment and decree dated 04.07.2025. The petitioner had preferred an appeal in A.S.No.14 of 2025 before the learned Sub Court, Madurantakam and the said interlocutory application is pending. Meanwhile, the sixth respondent had filed W.P.CrI.No.702 of 2025 before this Court seeking police protection for the construction in the aforesaid land suppressing the pendency of the appeal and this Court had granted police protection. The petitioner further contended that respondents 5 & 6, with the help of police, are attempting to take forceful possession of the property and dispossess them from the property and hence, the petitioner has approached this Court.

3.Mr.R.Ragavendran, the learned counsel for the petitioner would submit that the petitioner is the owner of the property by way of adverse possession and the respondents, without putting the petitioner on notice, had obtained an order seeking police protection behind his back and pursuant to the order, the respondent police are trying to take possession of the property and thereby, he would seek to forbear the respondents.



4. Per contra, Mr. K. M. D. Muhilan, the learned Additional Public Prosecutor appearing for the respondents would submit that it is under the guise of second round of litigation, the petitioner is trying to prevent the execution of the decree. The fifth respondent has already purchased the land to an extent of 1½ cents and the sixth respondent has got a decree in his favour and accordingly he is entitled to possession of the property. Having lost the civil suit, the petitioner has initiated the second round of litigation, thereby trying to prevent the sixth respondent from taking possession of the property. This Court earlier, on finding that the petitioner is preventing the sixth respondent from taking possession, had, pursuant to a Court decree, directed the police to give protection. However, the petitioner is preventing the police as well as the sixth respondent and surveying officer in a high handed manner and an FIR has also been registered in this regard.

5. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for R1 to R3 and the learned counsel for R5 & R6. Perused the materials available on record.



6. Admittedly, the sixth respondent had obtained a decree against the petitioner as early as on 14.10.2008, before the Sub Court, Madurantakam, in A.S.No.8 of 2007, against which the petitioner had filed S.A. No. 875 of 2011 before this Court and it had been dismissed as early as on 15.09.2017. The sixth respondent has been prevented from surveying the property and also entering into possession, thereby, he has sought Police protection to survey the property and enter into the property. This Court, by an order dated 29.08.2025, had directed the respondent police to accord necessary police protection and the sixth respondent has also filed a contempt petition. The petitioner has not challenged the order dated 29.08.2025, passed by this Court in W.P.No.702 of 2025. In such circumstances, in the absence of civil court's order, the petitioner cannot seek an order forbearing the respondents from giving effect to the order of this Court.

7. In this view of the matter, I find no merits in this petition and this petition stands dismissed. Connected miscellaneous petition is also closed.

Index: Yes/No

27-10-2025

Speaking/Non-speaking order

Neutral Citation: Yes/No

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High Court, Madras.



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A.D.JAGADISH CHANDIRA J.

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