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WP CrI. No. 983 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP CrI. No. 983 of 2025

Raja

Petitioner(s)

Vs

1. The Superintendent of Police
Salem District, Salem

2. The Deputy Superintendent of Police
Mettur Dam, Salem District

3. The Inspector of Police
Mettur Police Station, Mettur taluk,
Salem District

4. Mohan

5. Veerakumar

Respondent(s)

PRAYER

Writ Petition file under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the respondent 1 to 3 to provide police protection to the petitioner and his property in S.No.40/6 to the extent 26 cenets at Navapatti Village, Nattamangalam, Mettur Taluk, Salem District and ensure the petitioner



and his family's right to life and personal liberty and protection from crime as guaranteed under Article 21 of constitution of India based on the representation dated 15.09.2025 made by the petitioner.

For Petitioner(s): Mr. V. Elangovan

For Respondents: Mr.R.Vinothraja for R1 to R3
Mr.R.Sureshkumar for
Mr.S.Sarath Chandran for R5

ORDER

The petitioner seeks a direction to the respondents-police to grant police protection to the petitioner and his property in Survey No.40/6 to an extent of 26 cents at Navapatti Village, Nattamangalam, Mettur Taluk, Salem District.

2. According to the petitioner, he is in possession of the property, however, on 12.09.2025, at about 10.00 P.M., in his absence, the private respondents entered into the house of the petitioner and removed all the house hold articles. Despite the complaint given by the petitioner, no action has been initiated, except filing of CSR, hence the present petition seeking police protection.



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3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondents 1 to 3 and the learned counsel for the 5th respondent and perused the documents placed on record.

4. On hearing the submissions on both sides, it appears that the subject property said to have been sold as early as on 18.02.1997 by the father of the petitioner. Though the petitioner's father filed a suit on earlier occasion, the said suit was dismissed for default in the year 2000. Thereafter, yet another suit has been filed by the 4th respondent and the same was also dismissed. Now, it appears that the suit in O.S.No.175 of 2025 is filed and the same is pending on the file of the Sub Court, Mettur for cancellation of the document executed in the year 1997 and the subsequent sale.

5. Be that as it may, when the suit itself is pending with regard to the title of the property, merely on the basis of some CSR, one cannot come to the conclusion that such person is in the possession of the property. Further, the possession of property has to be established in the manner known to law and its



all the matter of evidence. Now, the suit is pending and no relief was sought before the trial court, particularly in a civil suit, as a matter of right, one cannot seek such relief by way of Writ Petition (CrI.) under Article 226 of Constitution of India.

Hence I do not find any merit in the petition and let the respondents-police shall enquire the complaint on its own merits and if any offence is made out, shall proceed as per law.

06-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssd



To
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1. Superintendent of Police
Salem District Salem
2. The Deputy Superintendent of Police
Mettur Dam, Salem District
3. The Inspector of Police
Mettur Police Station, Mettur taluk,
Salem District
4. The Public Prosecutor,
High court, Madras



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N.SATHISH KUMAR J.

ssd

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