



W.A(MD)No.141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.141 of 2025
and
C.M.P(MD)Nos.927, 929 and 2528 of 2025**

Kabilan

... Appellant

vs.

1. M.Nallachamy
2. The Government of Tamil Nadu
Rep by its Chief Secretary,
Fort St.George,
Chennai 600 009.
3. The Principal Secretary,
Revenue and Disaster Management Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
4. The Commissioner of Land Administration,
Kuralagam, Chennai 600 005.
5. The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.
6. The District Collector,
Dindigul District, Dindigul 624 004.



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7. The Superintendent of Police,
Dindigul District, Dindigul 624 004.

... Respondents

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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 08.01.2025 made in W.M.P(MD)No.337 of 2025 in W.P(MD)No.489 of 2025.

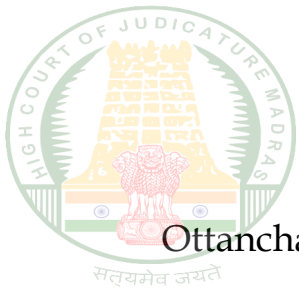
For Appellant	: Mr.K.Vijayanand
For R1	: Mr.T.Ramasamy
For R2 to R6	: Mr.Veera Kathiravan, Additional Advocate General, assisted by Mr.S.S.Madhavan Additional Government Pleader
For R7	: Mr.A.Albert James Government Advocate (Crl.Side)

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the interim order passed by the Writ Court dated 08.01.2025 made in W.M.P(MD)No.337 of 2025 in W.P(MD)No.489 of 2025.

2. The facts leading to the filing of this appeal are that the 1st respondent/writ petitioner filed a suit for declaration and injunction in O.S.No.101 of 2009 on the file of the District Munsif Court,



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Ottanchathiram, in respect of his property in Survey No.415/2A, 2B, 2C

and 2D to an extent of 9.78 Acres situated at Ottanchathiram, Dindigul

District, and the said suit was dismissed, against which, he filed appeal

and it is pending. Taking advantage of the dismissal of the suit, the 7th

respondent entered into the property of the writ petitioner with the help

of police officials, grabbed the entire property by vanishing the entire

agricultural crops and put up stone fencing. Hence, the 1st respondent /

writ petitioner filed the above writ petition for a Mandamus to take

appropriate legal action against the police officers and revenue

authorities, including the appellant herein/7th respondent, for illegally

grabbing his property. The Writ Court finding that the police

personnels helped the appellant/7th respondent for grabbing the writ

petitioner's property, has passed an interim order granting adequate

police protection to the 1st respondent and his family members. The

relevant passage of the impugned order is extracted hereunder:

"5. On perusal of the records, it revealed that immediately after dismissal of the suit by the judgment and decree dated 20.11.2024, the seventh respondent, who is the husband of the 27th defendant in the suit, trespassed into the subject property with JCB machinery and completely vanished the entire agricultural crops and also to fence the property by stone fencing. The petitioner also produced the photographs to show that the police personnels were also present on



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22.11.2024 and helped the seventh respondent to crop the subject property.

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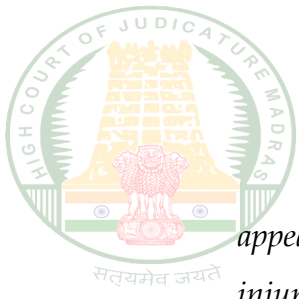
6. Therefore, the petitioner has made out a prima facie case for interim direction. The sixth respondent is directed to provide adequate police protection to the petitioner and his family members by enjoying the subject property, at the hands of the seventh respondent and other defendants in the suit. It is also made clear that mere dismissal of the suit filed by the petitioner for declaration and permanent injunction and the same amount to decree obtained by the 27th defendant, who is the wife of the seventh respondent, and they can take possession of the property. If the 27th defendant, who is the wife of the seventh respondent, wants to take possession of the property, they have to approach the civil Court for appropriate relief. If there is any interference by the third party, the sixth respondent is directed to register F.I.R against them and take appropriate action against them.

7. Mrs.M.Aasha, learned Government Advocate (Crl.Side) takes notice for the respondents 4 and 6. Issue notice to the seventh respondent returnable by 29.01.2025. Private notice is also permitted.

8. Post the matter on 29.01.2025."

3. Against the said interim order, the 7th respondent in the writ petition has filed this appeal. This Court while entertaining this writ appeal, has granted an order of interim stay of the abovesaid interim order in the following lines:

"4. We find from the records that the prayer in the Writ Petition was only for consideration of the representation. The first respondent herein is claimed to have filed a suit for declaratory relief, which was rejected and an



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appeal against the same is also pending. In these set of facts, the grant of injunction and police protection by the Writ Court may not be appropriate. On this prima facie view, there shall be an order of interim stay."

4. Though the appellant has raised various grounds in the memorandum of appeal, considering the fact that the order impugned herein is only an interim order passed by the Writ Court after hearing both sides, we are of the view that ends of justice would be met if the writ petition is disposed of within a stipulated time.

5. Accordingly, the Writ Appeal is disposed of with a direction to the Writ Court to dispose of the writ petition in W.P(MD)No.489 of 2025 preferably within a period of three months from the date of receipt of a copy of this judgment. No costs. Connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]
28.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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J.NISHA BANU, J.
AND
S.SRIMATHY, J.
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To

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7. The Superintendent of Police,
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JUDGMENT MADE IN
W.A(MD)No.141 of 2025
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