



Crl.O.P.(MD) No.13778 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 20.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.13778 of 2025

T. Kantharaj,

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Superintendent of Police,
Theni District.

2. The Inspector of Police,,
Chinnamanur Police Station,
Chinnamanur,
Theni District.
Crime No.258/2023.

3. Kathiravan,
4. Nageeswari,

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to direct the 2nd respondent herein to give police protection to the life and limb of the petitioner from his son as per the complaint of the petitioner dated 12.04.2024.

For Petitioner : Mr.K.Appadurai,

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side) for R1 & R2
: Mr.G.Thalaimutharasu for R3 & R4

Advocate Commissioner : Mr.A.Mohammed Haneef



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ORDER

WEB COPY The petition is for a direction to the 2nd respondent to give police protection to the life and limb of the petitioner by considering the petitioner's representation dated 12.04.2024.

2. It is the case of the petitioner that he was working as a teacher and retired eighteen years ago; that the petitioner's wife died on 25.04.2022; that since 2010, the 3rd respondent herein, who is the petitioner's son, had severed his relationship with the petitioner; that after the death of the petitioner's wife, the 3rd respondent had chased the petitioner out of the house; that in fact a false complaint was lodged against the petitioner and his daughters before the All Women Police Station, Sivagangai; that thereafter the petitioner was living with his daughter; that the petitioner made an application under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Revenue Divisional Officer passed an order on 18.08.2023 observing that the petitioner has a right to stay in the house in Survey No.590/1A1A till his life time and the 3rd respondent who was the respondent in the said proceedings will have no right to interfere in the petitioner's possession and hence prayed for police protection for implementation of the order of the Revenue Divisional Officer.



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3. The learned counsel for the respondents 3 and 4, who are the son and daughter-in-law of the petitioner respectively, however, submitted that the petitioner has been collecting rents and he is attempting to dispossess the 3rd and 4th respondents from the property and therefore, the petition for police protection is misconceived and is liable to be dismissed.

4. Since the dispute was between close relatives and the petitioner and the respondents 3 and 4 were making contrary statements as regards who is in possession of the property, this Court had earlier directed mediation. After the mediation failed, this Court appointed Mr.A.Mohammed Haneef, learned counsel as an Advocate Commissioner to ascertain as to who is in possession of the four portions of the building in the property and if there are any tenants, as to who is receiving the rents from the tenants.

5. Mr.A.Mohammed Haneef, learned Advocate Commissioner has made an elaborate enquiry and has filed a detailed report which would state that the property consists of four portions; that in one portion, the respondents 3 and 4 are residing with their children; that the remaining



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portions have been let out on rent and the tenants have treated the 4th respondent, the wife of the 3rd respondent as the landlord.

6. After the report was filed, when this Court made it clear that the conduct of the respondents 3 and 4 in not handing over the property of the petitioner is not only not in accordance with law but also contrary to the directions issued by the Revenue Divisional Officer, the 4th respondent has now filed an affidavit stating that in respect of two portions, where she has received a lease amount of Rs.2,00,000/- each, she would forthwith pay the said money of Rs.4,00,000/- to the petitioner and that the petitioner may receive the monthly rent of Rs.4,000/- which is paid by the tenant in respect of the third portion, she would also state that she has not received any advance amount for the third portion. The fact that the 4th respondent had received the above said sum from the tenants is also confirmed by the learned Advocate Commissioner in his report.

7. The learned Advocate Commissioner's report is taken on record and shall form part of the order. This Court records its appreciation for the valuable assistance and the detailed enquiry conducted by the learned Advocate Commissioner.



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8. In view of the aforesaid affidavit of undertaking, this Court grants three weeks time to the 4th respondent to hand over Rs.4,00,000/- [Rupees Four Lakhs Only] to the petitioner. The fourth respondent shall inform the tenants that the petitioner shall be treated as landlord henceforth. The 4th respondent shall also ensure that all the three tenants file an affidavit to that effect before this Court on or before 28.11.2025 agreeing to pay the rent and also treating the petitioner as the landlord.

9. It is needless to say that the petitioner shall be treated as landlord for all purposes in respect of the three portions. The 3rd and 4th respondents who are in the fourth portion shall not be disturbed by the petitioner.

10. With the above direction, the Criminal Original Petition is disposed. Call on 28.11.2025 for filing of the Affidavits as stated above.

20.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 20.11.2025.



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SUNDER MOHAN,J

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TO

1. The Superintendent of Police,
Theni District.
2. The Inspector of Police,,
Chinnamanur Police Station,
Chinnamanur,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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