



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1054 of 2026

and

W.P.MP.CrI.Nos.346 & 347 of 2026

1. A.Shundharen, S/o. Athiannan,
No.1/70C, Pirivu Road,
Sankagiri West, Sankagiridrug,
Salem - 637 301.
2. Himalny Sree, D/o. Shundaren,
No.1/70C, Pirivu Road,
Sankagiri West, Sankagiridrug,
Salem - 637 301.
3. Kiruthika, W/o. A.Shundharen,
No.1/70C, Pirivu Road,
Sankagiri West, Sankagiridrug,
Salem - 637 301.
4. Rajammal, W/o. Athiyannan,
No.2/10A, Mekkadu,
Sankari West Post, Salem - 637 301.

..Petitioner(s)

Vs

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Sankari Police Station, Salem District.
3. Athiannan,
S/o. Late. Athianna Gounder,
D.No.25F, Mekkadu,
Sankari West, Sankari Taluk,
Salem District.
4. Rajaguru Spinning Mills Private Limited,
Rep.by its Director, B.Sivakumar,
Having Office at S.F.No.3/249,
Sangagiri Main Road, Agraharam Village,
Pallipalayam, Kumarapalayam Taluk,
Namakkal - 637 209.

...Respondents(s)



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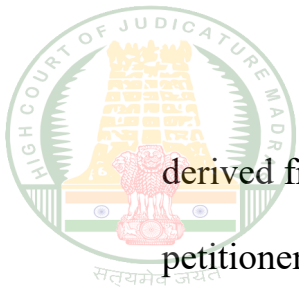
PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for the issuance of Writ of Mandamus directing the 1st and 2nd Respondent to provide adequate police protection to the petitioner and to their property for the S.No.18/1 B4, 27/2, 30/20, 30/21, 30/22, 30/26, 30/29, 30/34, 30/36, 487/1B, 487/1C for an extent of 12.45 Acers situated at Samiar Kadu, Sankiri, Salem District as and when required and pass such further or other order.

For Petitioner(s):	Mr.Hasan Muhamed Jimah, Senior Counsel for Mr.M.Arun
For Respondent(s):	Mr.R.Ganesh Kumar Government Advocate (Criminal Side) for R1 & R2 M/s.N.Manoharan for R3 Mr.P.J.Sriganesh for R4

ORDER

This Writ Petition has been filed seeking a direction to the Respondents 1 and 2 to provide adequate police protection to the petitioners and their property comprised in Survey Nos.18/1 B4, 27/2, 30/20, 30/21, 30/22, 30/26, 30/29, 30/34, 30/36, 487/1B, 487/1C, measuring an extent of 12.45 Acers, situated at Samiar Kadu, Sankiri, Salem District, as and when required.

2. The petitioners are the sons and wife of the third respondent herein. The subject property stands in the name of the third respondent. However, according to the petitioners, the said property was purchased out of the income



derived from the ancestral property. A property dispute is pending between the petitioners and the third respondent. In this regard, the daughter of the third respondent has filed a suit for partition in O.S.No.341 of 2020 on the file of the III Additional District Court, Salem, and the same is pending adjudication.

3. While the suit was pending, and even prior to the institution of the suit, the third respondent sold the subject property in favour of the fourth respondent by executing five sale deeds. During the subsistence of the property dispute, the third respondent lodged a complaint against the petitioners, which came to be registered in Crime No.14 of 2026 on the file of the second respondent for the offences under Sections 296 (b), 126(2), 118(1), 351(2) of the Bharathiya Nyaya Sanhita, 2023 (BNS), and Sections 294(b), 341, 324, 506(1) of IPC, alleging that the petitioners attacked him with an iron rod, thereby causing injuries. The investigation is pending.

4. It is the further case of the petitioners that the fourth respondent attempted to take possession of the subject property, which is allegedly in the possession and enjoyment of the petitioners, by using a JCB machine. It is alleged that the fourth respondent trespassed into the subject property and threatened the petitioners with dire consequences. Therefore, the first petitioner lodged a complaint, which was registered in Crime No. 9 of 2026 for the offences under Sections 191(2), 329(3), 324(4), 296(b), 351(2) of BNS, and

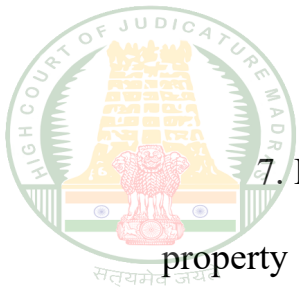


the investigation is pending.

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5. Immediately upon coming to know about the sale of the subject property by the third respondent in favour of the fourth respondent, the petitioners filed a suit in O.S.No.108 of 2025 on the file of the II Additional District Court, Salem, seeking a declaration that the sale deeds executed in favour of the fourth respondent are null and void. The said suit is also pending adjudication. According to the petitioners, despite the pendency of the civil proceedings, the fourth respondent and his men attempted to trespass into the subject property on 29.12.2025, in connection with the first petitioner lodged a complaint that resulted in the registration of Crime No. 9 of 2026.

6. On perusal of the records and the submissions made by the learned counsel appearing on either side, this Court finds that the possession of the subject property is seriously disputed. Therefore, possession of the property can be taken by the purchaser only by following due process of law. Admittedly, the civil suits filed by the petitioners and the daughter of the third respondent are pending adjudication before the competent Civil Court. Hence, the fourth respondent, being the purchaser of the subject property, is at liberty to work out his remedy before the competent Civil Court in the manner known to law.



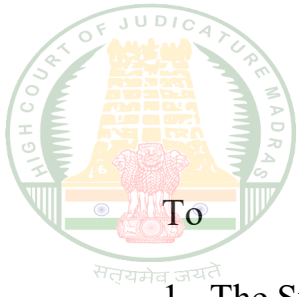
7. Insofar as the prayer seeking police protection to the petitioners and the property is concerned, the same cannot be granted in view of the pending civil disputes and the challenge to the sale deeds executed in favour of the fourth respondent. However, the second respondent is directed to complete the investigation in the crimes registered on the complaints lodged by the petitioners as well as respondents 3 and 4 and file final reports, in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. The parties are directed to approach the competent Civil Court for appropriate relief regarding possession of the property. Till such time, all the parties shall maintain *status quo* with regard to the present nature and possession of the subject property.

9. With the above directions, this Writ Petition (Criminal) stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Sankari Police Station,
Salem District.
3. The Public Prosecutor
High Court, Madras



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WP CrI. No. 1054 of 2



G.K.ILANTHIRAIYAN, J.

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