



WEB COPY



W.P.Crl.No.1112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.Crl.No.1112 of 2025

K.S.Abdul Haiem

... Petitioner

vs.

1.The Assistant Commissioner of Police,
Tambaram Circle,
Tambaram, Chennai – 600 045.

2.The Inspector of Police,
Tambaram Circle,
Tambaram, Chennai – 600 045.

3.S.M.Khaja

4.S.Mumtaz Begum

5.Saleem Kaja

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first and second respondents to consider the representation of the petitioner dated 02.09.2025 with Police protection to evict the portions occupied by the 3rd, 4th and 5th respondents in Borewell, staircase, kitchen and toilet within the petitioner premises situated at No.60/5, 4th Cross street, Ranganathapuram, West Tambaram, Chennai – 600045.



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For Petitioner : Mr.V.Chinnasamy
For R1 & R2 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor assisted by
Ms.Harshana.T
For R3 to R5 : No Appearance

ORDER

The petitioner has sent a representation on 02.09.2025 to the 2nd respondent and to the higher officials viz., 1st respondent and Deputy Commissioner of Police, Tambaram seeking Police protection to evict the respondents 3 to 5 from the portions occupied by them within the petitioner's premises. Since no action taken, the present petition is filed.

2.Learned counsel for the petitioner submitted that the petitioner as plaintiff filed O.S.No.70 of 2009 before the learned District Munsif, Tambaram seeking possession and enjoyment of 595 sq.ft of the property which was encroached by the respondents 3 to 5. The civil Court on 21.03.2011 rendered a judgment in favour of the petitioner. Thereafter, E.P.No.1 of 2024 in O.S.No.70 of 2009 filed by the petitioner was ordered directing the Court Bailiff to take possession and handover to the petitioner. The Court Bailiff on 30.01.2025 in the presence of the Police took possession of the property. As regards borewell, toilet and kitchen which are



in the respondents 3 to 5' property, they sought small accommodation and gave an undertaking that within a period of four months *i.e.*, on or before 30.05.2025, they would remove the toilet, borewell and kitchen or they will make alternate arrangement and leave it to the petitioner. On humanitarian consideration, as per undertaking, the Court Bailiff left it as it is. On 18.07.2025 when the petitioner approached the respondents 3 to 5 to handover the possession as per the undertaking, the respondents 3 to 5 refused and threatened the petitioner.

3.Learned Additional Public Prosecutor on instructions submitted that the petitioner obtained a civil Court order and there is no order or any direction from any Court in favour of the respondents 3 to 5.

4.Considering the submissions and upon perusal of the materials, it is seen that despite the petitioner having obtained a civil court order in his favour, he could not recover his property, which is occupied by respondents 3 to 5.

5.In view of the decision of this Court in the case of ***Radhika Sri Hari and another v. Commissioner of Police, Coimbatore City, Coimbatore***



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reported in **2014 (2) CTC 695**, this Court directs the 2nd respondent Police to ensure that the petitioner is restored with the possession of the property removing the encroachment as per the direction of the civil Court. The entire process shall be completed within a period of three weeks from the date of receipt of a copy of this order. The 1st respondent to monitor the process of removing the encroachment and ensure proper Police protection is given to the petitioner.

6. With the above direction, this Writ Petition Criminal stands disposed of. No costs.

25.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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To

1. The Assistant Commissioner of Police,
Tambaram Circle,
Tambaram, Chennai – 600 045.
2. The Inspector of Police,
Tambaram Circle,
Tambaram, Chennai – 600 045.
3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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