Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.Crl.No.2885 of 2026

CNR:{HCMA012588212026}

Sebastin
S/o.Alangaram

..Petitioner(s)

Vs

1. The Superintendent of Police
   O/o. Superintendent of Police,
   Thiruvarur District.

2. The Deputy Superintendent of Police
   O/o. Deputy Superintendent of Police,
   Thiruvarur Sub Division,
   Thiruvarur District.

3. The Inspector of Police
   Koradachery Police Station,
   Thiruvarur District.

4. Kattari @ Selvaraj

..Respondent(s)

Prayer: Writ Petition (Crl.) filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing 2nd and 3rd respondents to consider and provide suitable police protection for taking possession of the properties bearing S.Nos.50/7, 50/8, 50/6, 50/2A, 50/2, 51/2B, 51/3, 51/4 to an extent of 2 Hectare 1 Cents situated at Erukattur Village, Kudavasal Taluk, Thiruvarur District in pursuant of petitioner's representation dated 28.09.2026.

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For Petitioner(s): Mr.P.Muthamizh Selvakumar

For Respondent(s): Mr.S.Yogaraja Sekar
Government Advocate (Crl.Side)
for R1 to R3

O R D E R

The petitioner seeks a mandamus for police protection to take possession of the properties situated at S.Nos.50/7, 50/8, 50/6, 50/2A, 50/2, 51/2B, 51/3, 51/4 to an extent of 2 hectare 1 cents situated at Erukattur Village, Kudavasal Taluk, Thiruvarur District.

2. Between the petitioner and the fourth respondent, there were two litigations, one for permanent injunction and another for specific performance. Both were at the instance of the fourth respondent. The petitioner succeeded in both.

3. It is the claim of Mr.P.Muthamizh Selvakumar that the petitioner has deposited the amounts that he had been called upon to do so by this Court in A.S.No.715 of 2019 dated 05.03.2026. He states that, as this Court had come to the conclusion that the fourth respondent is not entitled to specific performance or the relief of permanent injunction, the petitioner, while protecting his possession as the owner of the property, is entitled to take possession of the

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property with the assistance of the police.

4. I have considered the submissions of Mr.P.Muthamizh Selvakumar. I have gone through the records.

5. The position of law has been settled by the Supreme Court in ***P.R.Murlidharan and Others v. Swami Dharmananda Theertha Padar and Others, (2006) 4 SCC 501,*** wherein Hon'ble Mr.Justice S.B.Sinha pointed out that there cannot be police protection for taking possession of a property.

6. In this case, the title of the petitioner is not in dispute. This Court has also come to the conclusion that the fourth respondent is not entitled to an order of injunction. This does not mean that the petitioner can take forcible possession through the third respondent police. The remedy for the petitioner is to file a suit for recovery of possession. I am certain that, if such a suit is filed, the Civil Court, which is dealing with the issue, will take into consideration the fact that the petitioner is a senior citizen, aged about 83 years and will also take note of the findings given by this Court in A.S.No.715 of 2019 dated 05.03.2026 and fast-track the case. I am not inclined to bypass the civil remedy that is available for the petitioner with the jurisdictional Civil Court.

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7. With the above observations, this Writ Petition is dismissed.

30-10-2026

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

1. The Superintendent of Police
   O/o. Superintendent of Police,
   Thiruvarur District.

2. The Deputy Superintendent of Police
   O/o. Deputy Superintendent of Police,
   Thiruvarur Sub Division,
   Thiruvarur District.

3. The Inspector of Police
   Koradachery Police Station,
   Thiruvarur District.

4. The Public Prosecutor
   High Court, Madras.

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V.LAKSHMINARAYANAN J.

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