



CrI.OP(MD)No.2544 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD)No.2544 of 2026

Parameswari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by The Superintendent of Police,
Karur District, Karur.
2. The State of Tamil Nadu,
Rep. by The Inspector of Police,
Thogaimalai Police Station,
Karur District.
3. The State of Tamil Nadu,
Rep. by The Inspector of Police,
All Women Police Station,
Thogaimalai, Karur District.
4. Seenivasan
5. Rajendiran @ Sivasakthi
6. Senthilkumar @ Kumar
7. A.P. Sundararajan
8. Palanichamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the 3rd respondent police to provide adequate police protection to the



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life and limb of the petitioner and her three female children from the respondents 4 to 8.

For Petitioner : Mr. R. Murugappan

For R-1 to R-3 : Mr. M. Sakthi Kumar,
Government Advocate (Crl. Side)

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking police protection. The grievance projected by the petitioner pertains to alleged threats and attempts of forcible eviction by private respondents, thereby raising issues touching upon personal liberty, safety, and competing claims over possession of land.

Case of the petitioner:

2. The case of the petitioner, as projected by the learned counsel appearing for her, is that she is a widow residing with her three female children in a property situated in Natham Poramboke land in Survey No.464, Ponnampatti Village, Kulithalai Taluk, Karur District.



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3. It is the specific contention of the petitioner that respondents 4 to 6 are frequently visiting the said property with an intention to forcibly evict her and thereby subjecting her and her minor daughters to intimidation and harassment.

4. The petitioner has further submitted that she has already approached the competent civil Court by filing a suit in O.S.No.172 of 2025 on the file of the learned District Munsif Court, Kulithalai, seeking appropriate reliefs in respect of the said property. In the above circumstances, apprehending danger to her life and limb, the petitioner seeks police protection.

Case of the prosecution / State:

5. The learned Government Advocate (Criminal Side), appearing for the respondent police, submitted that several complaints have been received from the villagers alleging that the petitioner has encroached upon Government Poramboke land and has unlawfully put up a tin shed.



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6. It is further submitted that based on such complaints, an enquiry was conducted and a survey was carried out on 07.02.2026, which revealed that the land in question belongs to the Government. It is also contended that no specific complaint regarding threat to the life or safety of the petitioner has been received by the police authorities so far.

Grounds for relief:

7. The petitioner seeks police protection primarily on the following grounds:

(i) That she is a vulnerable person being a widow residing with minor girl children;

(ii) There is a continuous threat of forcible eviction by private respondents;

(iii) The civil dispute is already pending adjudication before a competent civil Court;

(iv) Her right to life and personal safety under Article 21 of the Constitution of India requires protection.



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Submissions of the petitioner:

8. The learned counsel for the petitioner would submit that irrespective of the nature of the property, no individual can take law into his own hands and attempt to evict the petitioner by force. It is further contended that when a civil dispute is pending, the respondents ought to work out their remedies only through due process of law and not by intimidation or coercion.

Submissions of the State:

9. The learned Government Advocate would submit that the petitioner is an encroacher on Government land and the issue primarily pertains to illegal occupation. It is also contended that the authorities have already initiated enquiry and appropriate steps would be taken in accordance with law.

Point for consideration:

10. The point that arises for consideration is whether the petitioner is entitled to police protection against alleged harassment and threat by private respondents, notwithstanding the dispute relating to possession of Government land?



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Analysis:

11. This Court has carefully considered the rival submissions and perused the materials available on record.

12. At the outset, it is to be noted that the dispute between the parties appears to be predominantly civil in nature, concerning possession and alleged encroachment over Government Poramboke land. The materials placed before this Court indicate that a civil suit in O.S.No.172 of 2025 is already pending before the competent civil Court. Therefore, the rights of the parties over the property are yet to be adjudicated.

13. It is a settled principle of law that even assuming that a person is in unauthorized occupation of Government land, such person cannot be dispossessed except in accordance with procedure established by law. The private respondents cannot resort to self-help or adopt extra-legal methods to evict the petitioner. Any such act would amount to a clear violation of law and order.



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14. At the same time, this Court cannot lose sight of the submission made by the learned Government Advocate that the land in question is Government Poramboke land and the petitioner is alleged to be an encroacher. In such circumstances, the competent Revenue Authorities are the appropriate authorities to initiate action for eviction, strictly in accordance with law.

15. The jurisdiction of this Court under Section 528 BNSS is primarily to secure the ends of justice and prevent abuse of process. In the present case, the limited relief sought is protection against unlawful interference. Considering the vulnerability of the petitioner, being a widow with three female children, this Court is of the view that her right to life and safety deserves protection.

16. Simultaneously, it must be ensured that such protection is not construed as recognition of any legal right over the property. Therefore, a balanced approach is required to protect the petitioner from unlawful acts while preserving the authority of the State to proceed in accordance with law.



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17. In view of the above discussion, this Court issues the following directions:

(i) The respondents 4 to 8 are restrained from in any manner interfering with the petitioner's peaceful possession or attempting to evict her except by due process of law;

(ii) The third respondent police is directed to provide necessary police protection to the petitioner and her three children, if there is any threat, harassment or attempt of forcible eviction by the private respondents or any other persons;

(iii) It is open to the competent Revenue Authorities to take appropriate action for eviction of the petitioner, if she is found to be an encroacher, strictly in accordance with law;

(iv) While taking such action, the authorities shall ensure that due procedure is followed and, considering the peculiar facts of the case, appropriate steps may be taken to provide alternative accommodation, in accordance with applicable policies.

18. With the above directions, this Criminal Original Petition stands disposed of.

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NCC : Yes / No
Index : Yes / No



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Internet : Yes/ No

Sml

To

1. The Superintendent of Police,
Karur District, Karur.
2. The Inspector of Police,
Thogaimalai Police Station,
Karur District.
3. The Inspector of Police,
All Women Police Station,
Thogaimalai, Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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