



W.P.Crl.(MD) No.1497 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.Crl.(MD).No.1497 of 2026

Western India Cashew Co. (P) Ltd

Rep. by its Manager

Athithya Raju

Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thuckalay,
Kanyakumari District.
- 3.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

Respondent(s)

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondents herein to accord adequate police protection forthwith in the event of fencing and cleaning of thorny bushes of four boundaries pertaining to the property bearing Sy.No.718/1A2 to an



W.P.Crl.(MD) No.1497 of 2026

extent of 16.75 Ares in Patta No.10372 in Thiruvattar Village, Thiruvattar Taluk, Kanyakumari District, by considering the petitioner's representation dated 07.01.2026 and 30.01.2026.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.S.S.Manoj
Government Advocate (Crl.Side)

ORDER

Seeking to direct the respondents to accord adequate police protection for the purpose of fencing and cleaning of thorny bushes of four boundaries pertaining to the property bearing Sy.No.718/1A2 to an extent of 16.75 Ares in Patta No.10372 in Thiruvattar Village, Thiruvattar Taluk, Kanyakumari District, by considering the petitioner's representation dated 07.01.2026 and 30.01.2026, this writ petition is filed.

2. The petitioner is the manager of Western India Cashew Company Private Limited. The petitioner company is the absolute owner in possession and title over the property comprised in Sy.No. 718/1A2 to an extent of 16.75 Ares in Patta No.10372 in Thiruvattar Village, Thiruvattar Taluk, Kanyakumari District. The said property



W.P.Crl.(MD) No.1497 of 2026

was trespassed upon by one Bai, and he had encroached into the said property without any authority and had cut trees, demolished common walls, and had caused damages to the property. Aggrieved by the same, the petitioner company had already filed O.S.No.92 of 2022 before the learned Additional District Munsif Court, Padmanabhapuram, which was dismissed against the petitioner company. However, an appeal was filed by the petitioner company in A.S.No.10 of 2023 before the learned Subordinate Judge's Court, Padmanabhapuram, and the same was decreed on 11.12.2025, reversing the judgment and decree of the learned Trial Court and restraining the trespasser, namely Bai, from interfering with the peaceful possession and enjoyment of the same. As against the same, the said person had not preferred any further appeal, and hence, the judgment of the learned Subordinate Judge's Court, Padmanabhapuram, became final.

3. While being so, even thereafter, the said Bai continues to commit damages to the petitioner's property. Hence, the petitioner lodged a complaint on 02.01.2026 before the 3rd respondent police station, for which CSR.No.158 of 2026 was issued and directed the



W.P.Crl.(MD) No.1497 of 2026

petitioner to commence necessary works on the property as per the Court orders. Pursuant to which, on 07.01.2026, the petitioner company had sent workers to commence fencing and cleaning works. However, by that time, the said Bai, along with her henchmen, suddenly attacked the workers with stones indiscriminately, thereby preventing the petitioner and his men from continuing with the work commenced in their property. In this regard, an emergency call was made by the petitioner company, and a complaint was also lodged, for which CSR.No.141 of 2026 was issued on 30.01.2026. However, no further action is taken by the respondent police. Hence, this writ petition is filed.

4. The learned Government Advocate submitted that the said Bai was called upon for an enquiry and was advised not to interfere with the peaceful possession and enjoyment of the subject property by the petitioner.

5. Heard the learned counsels on either side and carefully perused the materials available on record.



W.P.Crl.(MD) No.1497 of 2026

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6. In view of the submissions made by the learned Government Advocate, the 3rd respondent police is directed to accord necessary police protection to the petitioner on making a suitable application for the purpose of cleaning the thorny bushes and putting a boundary on the property mentioned supra on payment of necessary charges in terms of G.O.M.S.No.139 Home (Pol.VIII) Dept. dated: 04.03.2019.

7. With the above directions, this writ petition is disposed of.

18.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

1. The Superintendent of Police
Office of the Superintendent of Police
Kanyakumari District.
2. The Deputy Superintendent of Police
Office of the Superintendent of Police
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3. The Inspector of Police
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Kanyakumari District.



W.P.Crl.(MD) No.1497 of 2026

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.Crl.(MD) No.1497 of 2026

L.VICTORIA GOWRI, J.

Sml

W.P.Crl.(MD)No.1497 of 2026

18.03.2026