

W.P.CrI.(MD)No.2270 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.04.2026

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

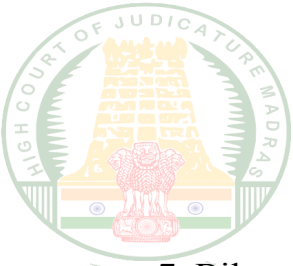
W.P.CrI.(MD)No.2270 of 2026

V.Malar

... Petitioner

Vs.

1. The Superintendent of Police,
O/o/ Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent Of Police,
O/o. The Deputy Superintendent Of Police,
Usilampatti Taluk, Madurai.
3. The Inspector of Police,
Checkanoorani Police Station,
Madurai District.
4. Mohan
5. Jason Tamilselvan,
S/o.Tamilselvan,
residing at No.C6, 306, Vadivel Street,
Chekkanoorani,
Madurai, Madurai District.
6. D.Baskara Pandinan,
S/o.D.Darmar,
residing at Thiliyar Road,
Chellampatti,
Usilampatti Taluk,
Madurai District.



W.P.Crl.(MD)No.2270 of 2026

7. Bilgates,
S/o.Selvam,
residing at Chellampatti,
Usilampatti Taluk,
Madurai District.

8. The District Collector,
Madurai District.

... Respondents

(R5 to R8 are suo motu impleaded vide order of this Court dated 22.04.2026 in this petition.)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 2 and 3 to conduct proper enquiry pursuant to the petitioner's representation dated 09.04.2026 on the file of the third respondent as expeditiously as possible.

For Petitioner : Mr.M.Vivek Kumar
for Mr.M.Deepak Kumar
For Respondents : Mr.S.Ravi (R1 to R3)
Additional Public Prosecutor
Ms.C.Geetha (R5)
Mr.S.Balaji (R6)
Mr.K.Raghal Priyan (R7)
Mr.M.Muthumanikkam (R8)
Government Advocate



ORDER

WEB COPY Preface:

A home is not merely a structure of bricks and mortar; it is the last refuge of dignity, especially for a woman standing alone against the tides of vulnerability. When such a refuge is razed not by the majesty of law but by the might of men emboldened by influence, it is not merely a civil wrong; it is a constitutional wound.

2. The present case compels this Court to confront a distressing narrative of a lone woman, economically fragile yet legally entitled, whose right to residence has been trampled, and whose cries for protection were met with institutional silence. The Constitution does not countenance such abdication. The State, as the sentinel of rights, cannot remain a mute spectator when the weakest citizen is dispossessed without due process.

Factual matrix:

3. The petitioner is a single woman, separated from her husband, eking out her livelihood as an agricultural coolie. She claims to have purchased property in Survey Nos.349/2B1 and 349/2B2 in Kovilangulam Village, Usilampatti Taluk, Madurai District, and to have been in peaceful possession



W.P.Crl.(MD)No.2270 of 2026

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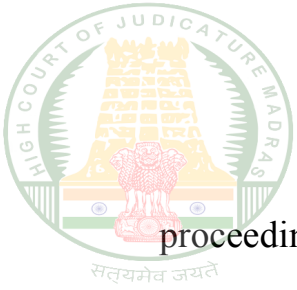
4. According to the petitioner, one Jason Tamil Selvan, owner of the adjacent land, encroached upon her property and, with the aid of associates including Baskarapandiyan and one Billgates, demolished her dwelling, thereby rendering her homeless.

5. It is further contended that the said Jason Tamil Selvan is related to a politically influential person, which emboldened him to act with impunity. Prior to the demolition, the petitioner had lodged a complaint, apprehending interference with her possession. The same was registered as CSR No.25 of 2026 dated 19.01.2026. However, the complaint was closed based on an alleged undertaking before village elders.

6. Thereafter, despite a fresh representation dated 09.04.2026, no effective action was taken by the police authorities, necessitating the filing of the present writ petition.

Prosecution version:

7. The learned Additional Public Prosecutor submitted that earlier



W.P.Crl.(MD)No.2270 of 2026

proceedings were initiated pursuant to the order of this Court in CrI.O.P.(MD)

WEB COPY No.2833 of 2026, filed by the said Jason Tamil Selvan seeking police protection for survey of his land.

8. In compliance with the said order, the police facilitated a survey through the Taluk Surveyor. Based on the survey report, Jason Tamil Selvan claimed that the petitioner's structure stood on his land.

9. It is the stand of the respondents that the police acted only to the extent of facilitating the survey and did not directly participate in the demolition.

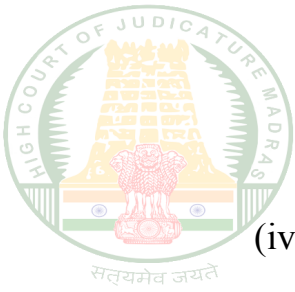
Grounds contended by the petitioner:

10. The petitioner contends that:

(i) The demolition of her house was carried out without any authority of law;

(ii) She was not impleaded in the earlier proceedings, thereby depriving her of an opportunity of hearing;

(iii) The police failed in their duty to protect her possession and prevent unlawful dispossession;



W.P.Crl.(MD)No.2270 of 2026

(iv) The action of the private parties amounts to criminal trespass, mischief, and unlawful dispossession.

Submissions on either side:

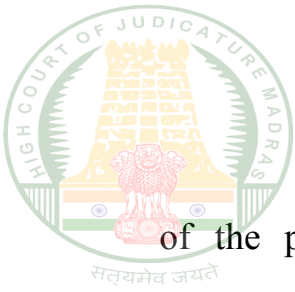
11. The learned counsel for the petitioner would submit that the entire exercise undertaken by Jason Tamil Selvan was a calculated misuse of the process of law. By obtaining a limited order for survey, he orchestrated an unlawful demolition, bypassing the petitioner altogether.

12. It is further submitted that even assuming a boundary dispute, the remedy lies only through due process either by civil adjudication or lawful eviction and not by self-help or force.

13. The learned Additional Public Prosecutor submitted that the police acted in compliance with the earlier order of this Court and had no role in the demolition. However, it is fairly submitted that appropriate enquiry can be conducted if directed by this Court.

Point for consideration:

14. The core issue that arises for consideration is whether the demolition



W.P.Crl.(MD)No.2270 of 2026

of the petitioner's dwelling, allegedly carried out by private individuals

following a police-facilitated survey, amounts to unlawful dispossession, and

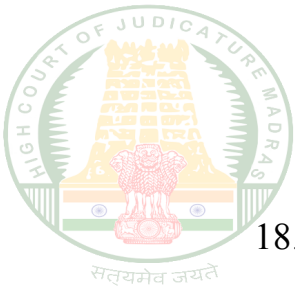
whether the State failed in its constitutional duty to protect the petitioner's right to property and residence?

Analysis:

15. At the outset, this Court must emphasise that the right to property, though no longer a fundamental right, continues to be a valuable constitutional right under Article 300A of the Constitution of India. No person can be deprived of property except by authority of law.

16. The facts disclose a disturbing pattern. The petitioner, a vulnerable woman, was not impleaded in the earlier proceedings. The order obtained therein was limited to facilitating a survey. It did not, by any stretch of imagination, authorise demolition or dispossession.

17. The conduct of Jason Tamil Selvan and his associates in demolishing the petitioner's house, even assuming a claim over the land, is wholly illegal.



18. The law is well settled that even a true owner cannot dispossess a

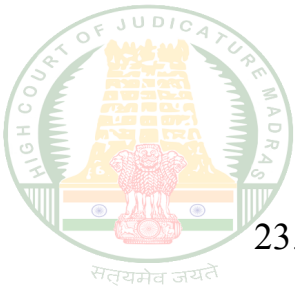
person in settled possession except by due process of law.

19. The plea that the demolition followed a survey cannot legitimise an illegality. A survey determines boundaries; it does not confer a licence to demolish.

20. More alarming is the role or rather the absence of role played by the police. When a dispute was brought to their notice and when the petitioner had already expressed apprehension, the police were duty-bound to prevent breach of peace and protect possession.

21. Instead, the sequence of events indicates that the police remained passive spectators while the petitioner's dwelling was demolished. Such inaction is not a mere lapse; it is a failure of constitutional duty.

22. Article 51A of the Constitution, though cast as fundamental duties, reflects the constitutional ethos of promoting justice, dignity, and protection of vulnerable sections. The State machinery cannot abdicate its obligation when a lone woman is rendered homeless by unlawful force.



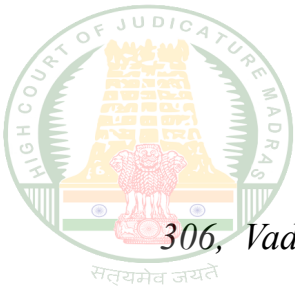
23. The dignity of a woman is inseparably connected to her right to shelter. The Supreme Court has consistently held that the right to life under Article 21 includes the right to live with dignity, which necessarily encompasses the right to residence.

24. This Court is constrained to observe that the present case reflects a misuse of legal process to achieve an illegal end. The earlier order of this Court has been distorted into a tool for dispossession.

25. Even assuming that upon proper adjudication, a portion of the land may not belong to the petitioner, she cannot be dispossessed except through due process of law, namely, by recourse to civil remedies or lawful eviction proceedings.

26. When the matter was argued before me regarding the manner in which the petitioner was dispossessed and her house was demolished, it left a serious impression on this court. Therefore, the third respondent, the police, was directed to produce before this Court the persons, who have involved in such hooliganism, particularly Jason Tamilselvan, D. Baskara Pandinan, and Billgates.

27. Today, when the matter came up for hearing, all three individuals appeared before this Court and were represented by separate Advocates. Accordingly, (i) *Mr. Jason Tamilselvan, S/o. Tamilselvan, residing at No. C6,*



W.P.Crl.(MD)No.2270 of 2026

306, Vadivel Street, Chekkanoorani, Madurai, Madurai District, (ii) Mr. D.

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Baskara Pandinan, S/o. D. Darmar, residing at Thiliyar Road, Chellampatti, Usilampatti Taluk, Madurai District, and (iii) Mr. Billgates, S/o. Selvam, residing at Chellampatti, Usilampatti Taluk, Madurai District, are hereby suo motu impleaded as respondents 5 to 7 in this petition. The Registry is directed to make the necessary amendments to this petition.

28. The learned counsel appearing for the 6th respondent submitted that the 6th respondent is the individual who had actually sold the subject property to the petitioner and one Padithurai. The said Padithurai, in turn, had sold the property to the 5th respondent. He further stated that the sixth respondent has no other involvement in the incident.

29. The learned counsel appearing for the 5th respondent submitted that the fifth respondent was not at all present in the place of occurrence, and he is no way connected with the said occurrence.

30. The learned counsel appearing for the 7th respondent submitted that the 5th respondent had previously filed a writ petition before this Court without even issuing notice to the 7th respondent, wherein the Court directed the respondents to conduct an enquiry and pass appropriate orders. However, the 5th respondent failed to appear for the enquiry. The 7th respondent clarified that he was only carving a pathway over the property in S.No. 349/2B1A1 to provide



W.P.Crl.(MD)No.2270 of 2026

ingress and egress to the property in S.No. 351/1B1A1, covering an extent of

70 cents of land, and further stated that he had not caused any damage to the petitioner's house.

31. The learned counsel appearing for the petitioner placed before me a video, which clearly shows the presence of a flex board, on the subject property of this petition, which had been installed by the 5th respondent, on whose instance 7th respondent has arrived at the scene of occurrence along with the JCB and had completely demolished the petitioner's building situated therein.

32. The learned Additional Public Prosecutor appearing for the respondent police placed before me the FIR registered by the third respondent police in Crime No.177 of 2026, dated 21.04.2026, for the offences under Sections 191(2), 333, 324(4), 296(b), 115(2), 303(2) & 351(2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002, on a written complaint received from the petitioner herein as against the respondents 5 to 7, Paraman and Jeyachandran and four unnamed persons.

33. Since the FIR has already been registered by the third respondent police, this Court is of the considered view that those who have engaged in such hooliganism should properly compensate the petitioner, both by restoring



the petitioner's building and for the mental agony suffered by the petitioner.

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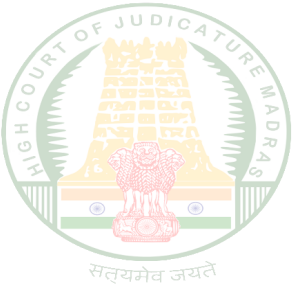
34. In view of the above, this Court issues the following directions:

(i) The respondents 5 to 7 are directed to immediately restore the demolished structure with a hollow block construction of approximately 100 square feet, including a tin roof and cement floor, at the same location. This restoration shall be completed within three days. Failure to comply will result in severe action. In this regard, the District Collector, Madurai District is suo motu impleaded as the 8th respondent, and Mr. M. Muthumanikkam takes notice on their behalf. The Registry is directed to make the necessary amendments;

(ii) The 8th respondent is directed to extend all necessary protection and assistance to the petitioner for reconstruction of her house, till her residence is restored by the respondents 5 to 7;

(iii) The respondents 5 to 7 are also directed to draw a demand draft for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, in the name of the petitioner, as compensation for the mental agony suffered by the petitioner;

(iv) The third respondent police is directed to conclude the investigation in Crime No.177 of 2026 as expeditiously as possible within a period of four weeks from the date of receipt of a copy of this order, for which purpose, post this case for reporting compliance on **02.06.2026**;



W.P.Crl.(MD)No.2270 of 2026

WEB COPY (v) It is made clear that any further interference with the petitioner's possession shall be strictly in accordance with law and not otherwise.

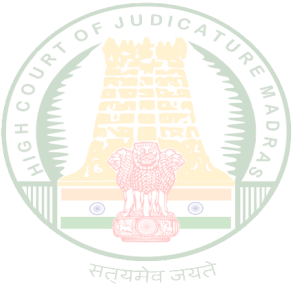
35. With the above directions, this writ petition stands allowed.

36. Post the matter for reporting compliance on **27.04.2026**, regarding the directions to be complied with by respondents 5 to 7.

Epilogue:

37. Courts do not merely adjudicate disputes; they restore balance where power has eclipsed justice. When a lone woman stands dispossessed, stripped not only of her shelter but of her sense of security, the law must rise not as a distant abstraction, but as a living shield.

38. The measure of a constitutional democracy lies not in how it treats the powerful, but in how it protects the powerless. A woman who toils for her daily bread cannot be left to battle illegality with silence as her only companion.



W.P.Crl.(MD)No.2270 of 2026

WEB COPY 39. This Court, therefore, reiterates that dignity is not a privilege, but it is a right, and the right to residence is its most intimate expression. Any act that seeks to dismantle that dignity, without the sanction of law, will invite the firmest response of this Court.

40. The Writ Petition is **allowed** in the above terms.

22.04.2026

NCC : Yes / No

Index : Yes / No

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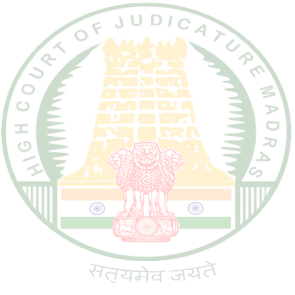
Note: Issue order copy on 22.04.2026.



W.P.Crl.(MD)No.2270 of 2026

TO:-
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1. The Superintendent of Police,
O/o/ Superintendent of Police,
Madurai District, Madurai.
2. The Deputy Superintendent Of Police,
O/o. The Deputy Superintendent Of Police,
Usilampatti Taluk, Madurai.
3. The Inspector of Police,
Checkanoorani Police Station,
Madurai District.
4. The District Collector,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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W.P.Crl.(MD)No.2270 of 2026

L.VICTORIA GOWRI, J.

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Order made in
W.P.Crl.(MD)No.2270 of 2026

Dated
22.04.2026