

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.33809 of 2015

K.N.Krishnamurthy

... Petitioner

Vs

1. The District Collector,
Erode District,
Erode.

2. The Superintendent of Police,
Office of Superintendent of Police,
Erode District,
Erode - 1.

3. The Inspector of Police,
Erode Police Station,
Chennimalai Road,
Erode.

... Respondents

Prayer:

This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ directing the respondents herein to consider the representation of the petitioner dated 07.09.2015 for providing police protection to the petitioner and his family members and pass orders thereon within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.Saravanan

For respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 07.09.2015 for providing police protection to the petitioner and his family members and

pass orders thereon within a time frame that may be fixed by this Court.

2. The petitioner is a farmer living with his family in Kona Kattu Thottak, Kathirampatti (PO), Erode. The petitioner owns agricultural lands in Survey Nos.1471/1, 147/2 and in 146. As per the revenue records and other Government records, the land comprised in S.No.: 147/3 of Kathirampatti village is classified as 'Vadigal' which is nothing but a water body. One Selvarathinam owns a land comprised in Survey No.148 of Kathirampatti Village. Though, she has an alternate access to her land from the main road, in order to grab the public property, she and her husband Selvakumar encroached upon the water body comprised in Survey No.147/3 of Kathirampatti Village by dumping sand and stones to form a cart track. Because of the said encroachment, the width and depth of the water body got reduced and thereby reducing the water carrying capacity to a significant level.

3. In this regard, the petitioner filed W.P.No.23284 of 2009 before this Court for issuance of Writ of Mandamus directing the respondents to remove the obstruction over the water body. This Court by an order dated 12.04.2015, directed the respondents to remove the obstructions in the water body. In order to circumvent the order passed in W.P.No.23284 of 2009, the said Selvarathinam filed Writ Petition in W.P.No.10572 of 2010 for issuance of Writ of Mandamus directing the respondents to remove the encroachments and also obtained an order of Status-quo. Taking advantage of the pendency of the Writ Petition as well as the grant of interim order, the said Selvaratinam and her husband Selvakumar by hiring 30 members tried to encroach upon the water body. When the petitioner opposed the same, the petitioner and his family members were assaulted by the said persons with deadly weapons and they sustained grievous injuries and they were admitted in the hospital for treatment. Immediately the petitioner lodged a complaint before the third respondent and the same registered in Crime No.426 of 2013 for the offences under sections 341, 147, 294B, 323 and 506(1) IPC. Even after the registration of complaint, the said Selvaratinam and her husband Selvakumar are threatening the petitioner with dire consequences. Hence, the petitioner gave a representation to the respondents on 07.09.2015 for providing police protection to the petitioner and his family members. But the same was not considered by the respondents till date. Hence, the petitioner has come forward with the present petition.

4. Heard the learned counsel appearing for the petitioner as well as and the learned Additional Public Prosecutor appearing for the respondents.

5. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the representation given by the petitioner dated 07.09.2015 has been equiured and the same was closed as the allegations are false. He has also produced a copy of the closure report for perusal of this Court.

6. The learned counsel for the petitioner submitted that he was not served with a copy of the closure report. The learned Additional Public Prosecutor served a copy of the same to the learned counsel for the petitioner across the bar.

7. In view of the submissions of the learned Additional Public Prosecutor, nothing survives in this petition and this Writ Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Erode District,
Erode.
2. The Superintendent of Police,
Office of Superintendent of Police,
Erode District,
Erode - 1.
3. The Inspector of Police,
Erode Police Station,
Chennimalai Road,
Erode.
4. The Public Prosecutor,
High Court, Madras.

W.P.No.33809 of 2015

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