

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.12200 of 2016

M/s.Nalahati Food Product Pvt. Ltd
rep. by its Authorised Signatory
Balaji Venkateswaran ... Petitioner

Vs

1.State rep. by
the Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Periyamet,
Chennai, Tamil Nadu 600 007.

2.Assistant Commissioner of Police,
Poonamallee Range,
Poonamallee,
Chennai 600 056.

3.Inspector of Police,
Law and Order,
Poonamallee Police Station,
Chennai 600 056. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 to 3 to provide adequate police protection to the petitioner's property to erect compound walls in and around the land covered in Survey Nos.219, 227, 228, 229, 231, 232, 233/1, 233/2, 234, 235, 236/1, 236/2 to a total extent of 15.80 acres in Parivalkam Village, Poonamallee Taluk, Thiruvallur District.

For Petitioner
For Respondents

Mr.G.Krishnakumar
Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to direct respondents 1 to 3 to provide adequate police protection to the petitioner's property to erect compound walls in and around the

land covered in Survey Nos.219, 227, 228, 229, 231, 232, 233/1, 233/2, 234, 235, 236/1, 236/2 to a total extent of 15.80 acres in Parivalkam Village, Poonamallee Taluk, Thiruvallur District.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3 It is the case of the petitioner that they have been permitted to establish a Food Processing Factory in their own patta land in Survey Nos.219, 227, 228, 229, 231, 232, 233/1, 233/2, 234, 235, 236/1, 236/2. While so, some persons raised a public interest litigation against the project of the petitioner, which was dismissed by a Division Bench of this Court by order dated 30.01.2009 made in W.P.Nos.9523, 9524 and 1132 of 2005. Thereafter, when the petitioner started to build a compound wall in and around their patta land, some local people have caused disturbances. Therefore, the petitioner has given a complaint dated 18.03.2016 to the third respondent seeking police protection. Since no action has been taken by the third respondent on the petitioner's complaint, the petitioner is before this court with the present petition under Section 482 Cr.P.C.

4 In the petitioner's complaint, at para 2, it has been stated as follows:

"There was a dispute that a small pond S.No.230 is in between our lands. So, Sub Collector had given instructions to PWD to arrange for pathway for approach of public to the pond. For this also, we have agreed to leave 10feet passage in our own land for public approach and PWD has also given us the NOC regarding this to us, copy to Sub Collector and Collector. We have submitted the copy of Tahsildar as well as VAO."

From the above, it is clear that the petitioner does not want to usurp the pond and has given 10 feet of their patta land for public approach to the pond.

5 The petitioner shall also comply with the sixteen conditions laid down in the proceedings of the Chief Engineer, Water Resources Organisation, Public Works Department, Chennai, dated 03.03.2016.

6 It is seen that the Sub Collector, Tiruvallur, by letter dated 31.08.2015, has instructed the Executive Engineer, Public Works Department, Tiruvallur, to increase the height and strengthen the tank bund for protecting the adjoining village from inundation. The Executive Engineer, Public Works

Department, Tiruvallur, is directed to comply with the order passed by the Sub Collector, Tiruvallur.

7 In view of the above, the third respondent is directed to take action on the petitioner's complaint dated 18.03.2016 and to provide adequate police protection to the petitioner for construction of compound wall in and around their patta land.

This criminal original petition stands ordered accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Periyamet,
Chennai, Tamil Nadu 600 007.

2.Assistant Commissioner of Police,
Poonamallee Range,
Poonamallee,
Chennai 600 056.

3.Inspector of Police,
Law and Order,
Poonamallee Police Station,
Chennai 600 056.

4.The Executive Engineer,
Public Works Department,
Thiruvallur

5.The Public Prosecutor,
High court, Madras.

6.The Sub Collector,
Thiruvallur.

+1cc to Mr.G.Krishnakumar, Advocate sr.33444

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srg 05/07/2016