

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.9483 of 2017

Nalantha M.J.,

... Petitioner

Vs

1. The Superintendent of Police,
Superintendent of Police Office,
State Bank Road,
Coimbatore - 641 018.

2. The Inspector of Police,
B3 Police Station,
Gomangalam Police Station,
Gomangalam, Pollachi Taluk,
Coimbatore - 642 107.

3. Arumugam

4. A.Maruthamuthu ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to render police protection and assistance to the petitioner to do the alter, repair and replacing work of the pipelines from the common well situated at Survey No.103/2C4 to his land situated at Survey No.102/2.

For Petitioner : Mr.P.Jesus Moris Ravi

For respondent : Mr.K.Mathan,
Government Advocate (Crl. side)

ORDER

The present criminal original petition has been filed seeking a direction to the respondents 1 and 2 to provide police protection and assistance to the petitioner to do alter, repair and replacing work of the pipelines from the common well.

2. It is the case of the petitioner that he is the owner of the properties at SF No.102/2, 108/3A, 103/2C2, 8/2 part, 103/2C4 of S.Malayandipattinam, Pollaci Taluk, Coimbatore District, by virtue of a sale deed registered as Document No. 2184 and 2848 of 2015 on the file of SRO Gomangalm. As per the sale deed, the property is to be irrigated by a common well which has been shared by the respondents 3 and 4, and thereby, maintaining 420 coconut trees. Now, the well is almost dried up and some of the pipelines in his land has been damaged. Due to the damage, there was heavy water leakage in the pipeline and when the petitioner attempted to change the pipe line, the respondents 3 and 4 are preventing the petitioner from changing the pipelines. Hence, the petitioner lodged a complaint before the respondents 1 and 2 on 08.04.2017. However, no action was taken by the respondent police. Since no action was taken on the said complaint, the petitioner has come up with the present petition seeking a direction to the respondent to provide police protection to do the repair and replacing work of the pipelines from the common well.

3. The learned Government Advocate (Crl. side) submits that the complaint given by the petitioner is pending before the second respondent police.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2 and perused the entire materials available on record.

5. Since no prejudicial order is going to be passed against the respondents 3 and 4, notice to the respondents 3 and 4 are dispensed with.

6. Since the petitioner's complaint is pending with the respondents 1 and 2, without going into the merits of the case, the second respondent is directed to conduct enquiry, after giving opportunity to the respondents 3 and 4 herein and pass appropriate orders on merits and in accordances with law, within a period of four weeks from the date of receipt of a copy of this order. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp
To

1. The Superintendent of Police,
Superintendent of Police Office,
State Bank Road,
Coimbatore - 641 018.

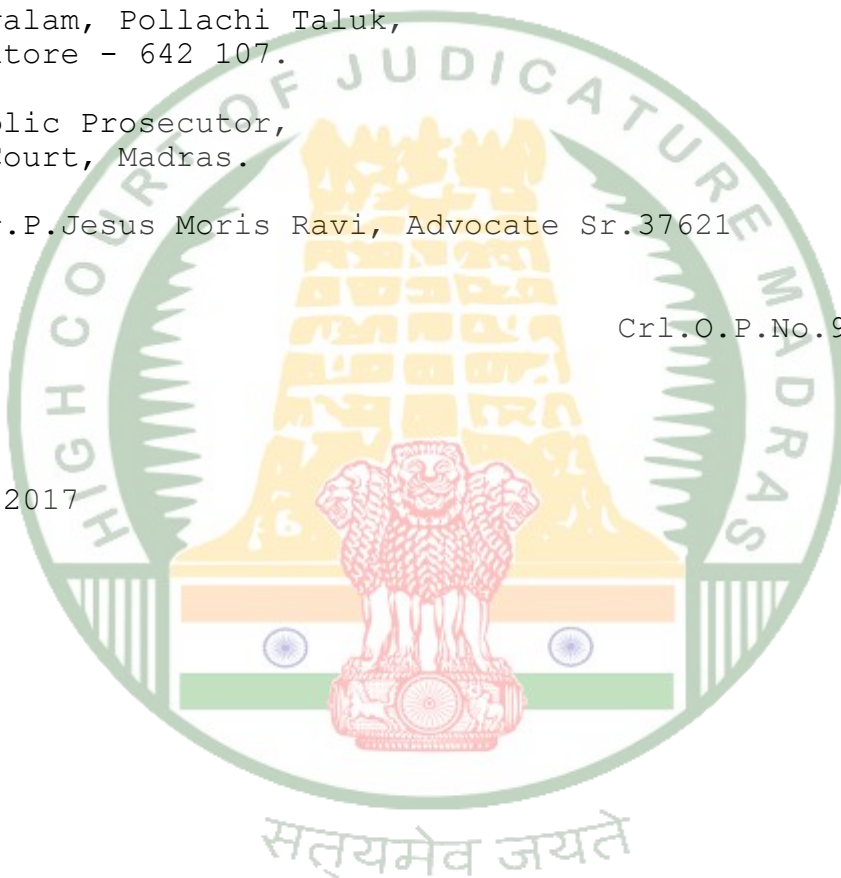
2. The Inspector of Police,
B3 Police Station,
Gomangalam Police Station,
Gomangalam, Pollachi Taluk,
Coimbatore - 642 107.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Jesus Moris Ravi, Advocate Sr.37621

Crl.O.P.No.9483 of 2017

mg[co]
srg 25/05/2017



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