



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.16517 of 2017

K.Jeyamani

:Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Checkanoorani Police Station,
Checkanoorani,
Madurai District.

3.Saravanan

:Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents No.1 and 2 to give adequate police protection for the petitioner to irrigate his own field from his own well water on the basis of the representation of the petitioner dated 28.09.2017.

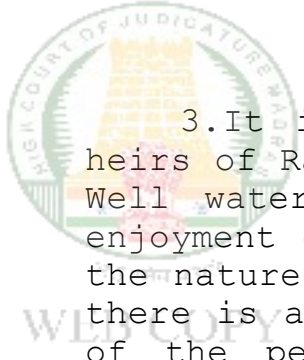
For Petitioner :Mr.V.Muthusamudeeswaran

For R1 and R2 :Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to direct the respondents No.1 and 2 to give adequate police protection for the petitioner to irrigate his own field from his own Well water on the basis of the representation of the petitioner dated 28.09.2017.

2.The petitioner states that his father one Karuppathever and his paternal uncle one Rasuthever have partitioned their ancestral property and ploughed their portion separately. It is further stated that the petitioner's father Karuppathevar dug a Well and got electricity connection for the pump set, in his name and enjoyed the same peacefully. Subsequently, the petitioner himself admitted that there was a family settlement, by which the petitioner and his father and his paternal uncle have agreed to share the Well water, on turn basis.



3.It is the specific case of the petitioner that the legal heirs of Rasuthevar, are restraining the petitioner from using the Well water from January'2017, thereby causing hindrance to the enjoyment of the petitioner, right from day one. Having regard to the nature of the case pleaded by the petitioner, it appears that there is a dispute between the petitioner's family and the family of the petitioner's paternal uncle, with regard to sharing / drawing of water from the Well in the land belongs to the petitioner.

4.Since the dispute is purely Civil in nature, this Court is not inclined to entertain this petition. An order by this Court giving police protection to the petitioner is likely to be interpreted to given undue advantage to him. Hence this petition is dismissed with an observation that the petitioner is at liberty to establish his right and to get appropriate relief by approaching the competent Civil Court for peaceful enjoyment and to draw/share water, according to the family arrangement that was entered into between the parties, as admitted by the petitioner.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Checkanoorani Police Station,
Checkanoorani,
Madurai District.

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

+1CC to Mr.V.Muthusamundeeswaran, Advocate, SR.No. 91288

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