

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No. 606 of 2018

M.Gobineelan

..Petitioner

Vs

1. The Superintendent of Police,
Coimbatore,
Coimbatore District.

2. The State, rep. by
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to grant police protection to the petitioner and the land comprised in S.No.148/2, 189 situated at Sirumugai Village, Mettupalayam Taluk, Coimbatore, Coimbatore District.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mrs.Kritika kamal.P
Government Advocate (Crl.Side)

O R D E R

The prayer in the present petition is to grant police protection to the petitioner and the land comprised in S.No.148/2, 189 situated at Sirumugai Village, Mettupalayam Taluk, Coimbatore, Coimbatore District.

2. Heard Mr. K.Myilsamy, learned counsel appearing for the petitioner and Mrs. P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the Respondents.

3. Though the petitioner has sought for protection to the petitioner and his land, the learned counsel for the petitioner submits that the relief may modified to the effect that the respondent police be directed to refrain any person from dumping the solid waste in the land comprised in S.No.148/2, 189 situated at Sirumugai Village, Mettupalayam Taluk, Coimbatore District.

4. According to the learned counsel, inspite of an order of the National Green Tribunal dated 30.10.2017 passed in Application No. 229 of 2016 (SZ), some miscreants are still dumping and burning the solid waste in the subject land.

The relevant portion of the order passed by the National Green Tribunal is reads as follows;

"After commencement of Solid Waste Management Rules, 2016, there is no question of dumping sold waste. The Panchayat can only proceed with source segregation and create a Solid Waster Treatment Facility as provided under the Solid Waste Management Rules, 2016.

The reply filed by the 4th respondent dated 10.01.2017 show that they are not dumping or burning the garbage. In such circumstances, we find it is not necessary to keep the matter on record. The reply of the 4th respondent shows that they have already identified the land having an extent of 3.60 acres in Ward No.5, S.F. No. 893, Mookaimedu area. The Panchayat shall obtain necessary "authorisation" from the appropriate authorities within three months and shall remove all the Sold Waste dumped in the S.F. No. 148/2 and 189/2 and shall not dump the solid waste in open space or burn solid waste."

5. In view of the positive observations made by the National Green Tribunal, it would be appropriate for the second respondent to extend necessary police protection to refrain any person causing inconvenience either by dumping solid waste or burning the same in the subject land.

6. In the result, the criminal original petition stands allowed with a direction to the second respondent to extend necessary police protection for effective compliance of the order of the National Green Tribunal passed in Application No.229 of 2016 (SZ), dated 30.10.2017. Such an exercise shall be made as and when any complaint is received in this regard.

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Assistant Registrar (CS III)
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Sub Assistant Registrar

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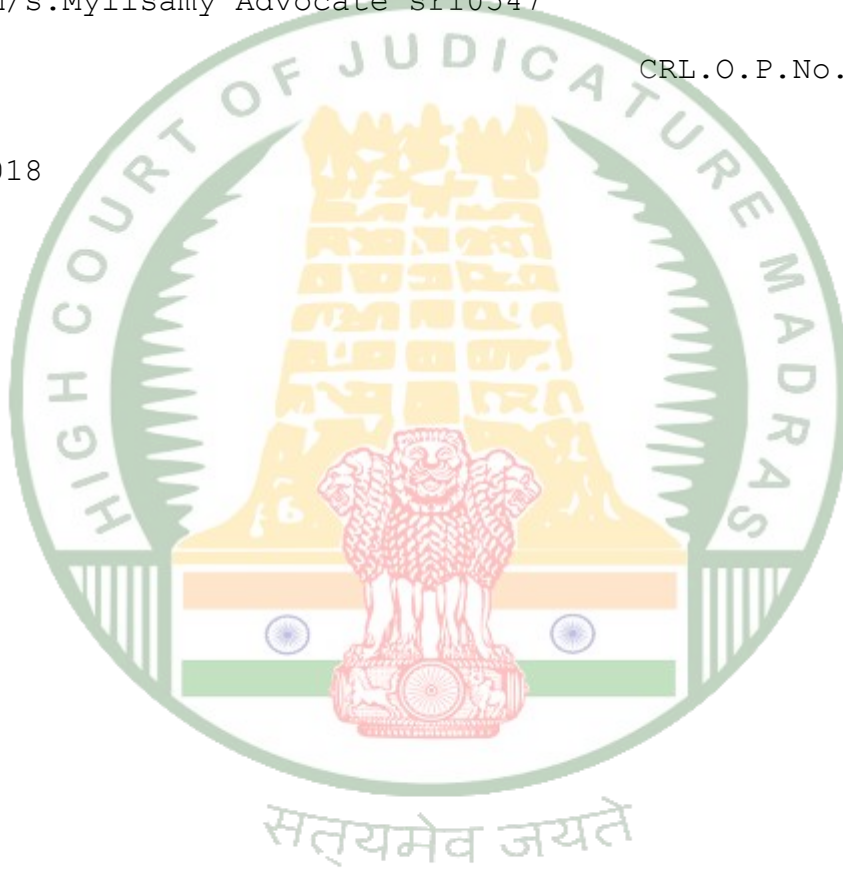
To

1. The Superintendent of Police,
Coimbatore,
Coimbatore District.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.

+1 cc to M/s.Myilsamy Advocate sr10547

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