

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
WP.No.28711 of 2018

R.Vimaladevi

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Coimbatore Rural,
State Bank Road, Coimbatore.

2.The Inspector of Police,
Aanamalai Police Station,
Anamalai Circle,
Pollachi Taluk.

... Respondents

PRAYER: This Writ petition filed under Article 226 of Constitution of India praying for issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceedings dated 17.08.2018 quash the same and direct the respondents to provide Police protection to the petitioner and her property situated at Survey Nos.84/1B, 85/A2A, A2C, 83/A5, 83/B2, 83\1AS, Veeralpatti Village, Pollachi Taluk, Coimbatore District measuring 7.14 Acres.

For Petitioner : M/s.I.Abrar Md Abdullah
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the orders passed by the second respondent rejecting the application made by the petitioner seeking for police protection.

2.The learned counsel for the petitioner would submit that the petitioner is the owner of the property and she decided to run a poultry farm. The petitioner applied for necessary permissions before the concerned authorities and all the authorities have given permission including the Pollution Control Board and the Public Health Department. The petitioner had also applied for a loan to the Indian Overseas Bank, Pollachi Branch, and the said bank had also sanctioned a loan in the year 2017. Thereafter, the petitioner proceeded to put up constructions and at that point of time, some local residents started objecting, on the apprehension that the poultry farm to be opened by the petitioner will cause nuisance to the general public. Therefore, they started causing problems to the petitioner not to proceed further with the construction.

3. Therefore, the petitioner sought for police protection in order to complete the construction and in order to commence the business. The petitioner also filed Criminal Original Petition No.27262 of 2017 before this Court and this Court by an order dated 23.02.2018 to direct the respondent police to conduct a proper enquiry on the representation made by the petitioner after giving opportunity to the persons, who were objecting to the starting of the above business and pass appropriate orders within a period of four weeks. The second respondent by his impugned order dated 17.08.2018, rejected the request made by the petitioner for police protection.

4. The learned counsel for the petitioner would submit that there are absolutely no reasons given by the respondent police while rejecting the request made by the petitioner. The learned counsel would submit that that rejection has been made on a mere apprehension expressed by certain persons in the village to the effect that by starting a poultry farm, the same will result in nuisance and will cause health hazard to the people living in and around the property. The respondent police before passing this impugned order, has not even cared to verify whether the apprehension raised by the concerned persons has any Scientific backing. The impugned order according to the learned counsel for the petitioner has been passed in a mechanical fashion and therefore the same requires interference by this Court.

5. Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor would submit that the respondent police took into consideration the interest of the persons living in and around the property and rejected the request made by the petitioner by taking into consideration the health hazard that may be faced by the general public. The learned counsel would further submit that the respondent police did not want an unnecessary law and order problem to arise due to the poultry farming business to be set up by the petitioner.

6. This Court has carefully considered the submission made on either side.

7. It is seen from the records that the petitioner has obtained permission from all the statutory authorities to start the poultry farm business. It is important to note that even the Pollution Control Board has given no objection certificate in this regard. Even the Public Health Department has given no objection certificate for starting the business. It is expected that these authorities would have given the no objection certificate only after satisfying themselves with the business that is proposed to be started by the petitioner will not cause any health hazard to the persons in and around the place. The apprehension raised by certain persons in this case does not

have any scientific backing. A person who wants to start a business has to get permission from all the concerned authorities. Once such permission is granted, the persons permitted to start the business can not be stopped on mere apprehension raised by certain persons. If certain persons are causing nuisance and may tend to cause a law and order problem, it is the duty of the police to control the situation and maintain the peace and tranquillity. The police is not expected to state in the impugned order that by permitting the petitioner to put up the construction and starting the business, the same may result in a law and order problem.

8.The reasons stated by the second respondent in the impugned order is totally unsustainable and the same requires interference by this Court. Accordingly, the impugned order of the second respondent dated 17.08.2018, is hereby quashed.

9.This Writ Petition is allowed with a direction to the second respondent to provide police protection to the petitioner and her property situated at Survey Nos.84/IB, 85/A2A, A2C, 83/A5, 83/B2, 83/1AS, Veeralpatti Village, Pollachi Taluk, Coimbatore District measuring 7.14 Acres. It is needless to say that the petitioner has to pay necessary charges to the police for the purpose of getting police protection in accordance with the G.O which governs the field. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

stm/ia
To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Coimbatore Rural,
State Bank Road, Coimbatore.

2.The Inspector of Police,
Aanamalai Police Station,
Anamalai Circle,
Pollachi Taluk.

3.The Public Prosecutor,
High Court, Madras.

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CSL/10.12.2018