

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.26273 of 2018

1.Thangavel

2.Andamuthu

3.Sellappan

4.Eswaran

5.Murugesan

6.Rani

...Petitioners

-Vs-

1.The Superintendent of Police,
Erode.

2.The Inspector of Police,
Bangalapudur Police Station,
Gobichettypalayam Taluk,
Erode District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to give police protection to lay the underground pipeline from the common well in SF No.34/1 to the agricultural lands in SF.Nos.151/2, 5, 6, 3, 125/1, 2, 3, 150/1, 2, 153/5, 154/2A, 2B, 155/3A, 3B 3D, 3E, 102/3, 103/1 and 99/1 respectively as permitted in the proceedings of the Tahsildar vide Na.Ka.4133/2018/A4 dated 11.05.2018.

For Petitioners: Mr.D.R.Arun Kumar

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor,
High Court, Chennai - 104.

ORDER

This petition has been filed seeking for police protection to lay the underground pipeline.

2. The learned counsel for the petitioner drew the attention of the Court to the proceeding of the Tahsildar, Gopichettypalayam dated 11.05.2018, wherein the petitioner and five others were permitted to lay a pipeline. The order itself specifically deals with the survey numbers through which the pipeline is going to be laid by the petitioner and five others and the order also imposes certain conditions and special conditions upon the petitioner and five others, that has to be followed by them at the time of laying the pipeline. Subsequent to the proceeding of the Tahsildar, the petitioner has sought for a direction to lay the pipeline and the R.D.O, by his proceedings dated 03.10.2018, had forwarded the said request to the Tahsildar, Gopichettypalayam. The petitioner had also sought for police protection by giving a representation to the second respondent on 24.10.2018 and the second respondent has also issued a CSR.153/2018 acknowledging the receipt of the complaint. In spite of the receipt of the complaint, the second respondent has not taken any action to provide police protection to the petitioner and others to lay the pipeline and therefore, the present petition has been filed before this Court.

3. Admittedly, in this case, the petitioner and five others have been permitted to lay the pipeline by the Tahsildar by his proceedings dated 11.05.2018. The order was passed by the Tahsildar after inviting objections from general public. The order itself provides for certain conditions and special conditions that will have to be complied with, by the petitioner and others at the time of laying the pipeline. Once there is a valid order passed by a Revenue authority permitting the petitioner and others to lay the pipeline, no one can prevent the same by taking law into their own hands.

4. Accordingly, this Criminal Original Petition is disposed of, with a direction to the second respondent to consider the representation made by the petitioner on 24.10.2018 and satisfy himself with the orders passed by the Tahsildar on 11.05.2018 and call the parties for enquiry. If the second respondent, on enquiry, finds that the police protection has to be given to the petitioner and five others for laying the pipeline, the same may be considered and necessary police protection can be granted to the petitioner. This exercise shall be completed within a period of one week from the date of receipt of copy of this order. It is needless to say that the petitioners are liable to pay the necessary expenses to the second respondent for the purpose of providing police protection.

5.In view of the above, this Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Superintendent of Police,
Erode.

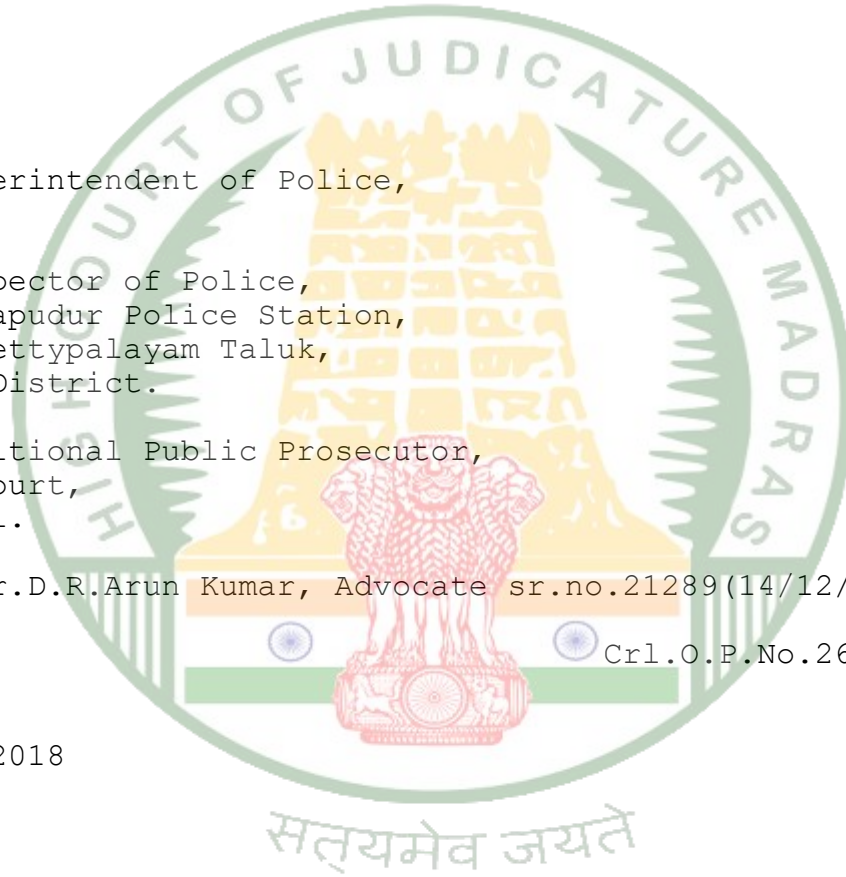
2.The Inspector of Police,
Bangalapudur Police Station,
Gobichettypalayam Taluk,
Erode District.

3.The Additional Public Prosecutor,
High Court,
Chennai.

+1cc to Mr.D.R.Arun Kumar, Advocate sr.no.21289(14/12/2018)

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