

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26810 of 2018

M.Muthusamy

...Petitioner

Vs.

The Inspector of Police,
Verayur Police Station,
Tiruvannamalai District.

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondent police to provide police protection to the petitioner to draw water from the well comprised in Survey No.210/3 now sub divided and classified as Survey No.259/5, Perumanam Village, Tiruvannamalai Village, for which he has electricity service connection No.260 in his name, by installing a electric motor therein, for irrigation purposes.

For Petitioner : M/s.B.Harikrishnan

For Respondent : Mr.C.Raghavan

Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for police protection to the petitioner to draw water from the Well.

2. It is seen from the records that the petitioner has filed a suit in O.S.No.444 of 2009 on the file of the Additional District Munsif Court, Tiruvannamalai District, against the offending parties seeking for the relief of declaration of title and permanent injunction. This suit was dismissed by the judgment and decree, dated 29.04.2015. Thereafter, the petitioner has filed an appeal in A.S.No.38 of 2016 and the same is pending disposal before the Sub Court, Tiruvannamalai.

3. The learned counsel for the petitioner would submit that the petitioner is denied access to the Well and therefore, it involves the very livelihood of the petitioner. The learned counsel would further submit that the electricity connection for drawing water from the Well also stands in the name of the petitioner. Therefore, the petitioner is left with no option except to file this Criminal Original Petition seeking for relief of police protection.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In the facts and circumstances of the case, this Court is not inclined to grant the relief as sought for by the

petitioner. Admittedly, there is a pending appeal before the appropriate Civil Court. The subject matter property is also a subject matter in the pending appeal. Therefore, if the other party is preventing the petitioner from drawing water from the Well, the petitioner has to seek for appropriate remedy only in the pending appeal and the respondent Police cannot straightaway grant any police protection, more particularly due to the fact that the suit filed by the petitioner was earlier dismissed.

5. In the result, the Criminal Original Petition is disposed of by giving liberty to the petitioner to workout his remedy in the pending appeal in A.S.No.38 of 2016, seeking for appropriate remedy before the Civil Court.

Kal

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

TO

The Inspector of Police,
Verayur Police Station,
Tiruvannamalai District.

+1cc to Mr.B.Harikrishnan, Advocate SR.No.78840

KR/23/11/18

CRL.O.P.No.26810 of 2018

सत्यमेव जयते

WEB COPY