

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 5878 of 2019

Mahendra Educational Trust,
Rep. by its Administrative Officer,
K.Sasikumar, S/o.P.Kavaraj,
Kalippatti Post,
Attayampatti Via,
Namakkal District-637 501.

.. Petitioner

Vs.

State Rep. by
1.The Superintendent of Police,
Salem District,
Salem.
2.The Deputy Superintendent of Police,
Annathanapatti, Salem District.
3.The Inspector of Police,
Mallur Police Station,
Mallur, Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 to 3 to provide sufficient police protection to the lorries of the petitioner to enable the petitioner to transport water by lorries from land in Survey No.40/10B & 40/3 of Palampatti Pottakkadu Village, Verapandi Post, Salem District.

For Petitioner : M/s.Muthumani Doraisami

For Respondents: C.Raghavan

Government Advocate (Crl. Side)

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O R D E R

This Criminal Original Petition has been filed to direct the 3rd respondent to give police protection to the lorries of the petitioner to enable the petitioner to transport water by lorries from the above mentioned land.

2.The petitioner is an Educational Trust and is running several educational institutions in and around Namakkal and Salem Districts, wherein around 5,000 students are staying in

the college hostel situated within the campus. Whiles, in order to provide additional requirement of water, the petitioner has been getting water from the near by villages at free of cost from the aforesaid lands. This being so, the petitioners lorries were blocked by the accused persons and also threatening the staff of the petitioner Institution. Hence, the petitioner made a complaint before the respondent police on 22.02.2019 to take action against the accused persons. Since no action has been taken, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Government Advocate submitted that that the villagers are objecting to take water, because it will affect their ground water level.

4.Heard both sides and perused the materials on record.

5.This Court had already discussed in detail and issued direction in a similar matter in W.P.No.32326 of 2007 (Angammal Education Trust Vs.District collector, Namakkal and others) by an order dated 01.11.2007, enabling the educational trust to take water from this land for a justifiable cause. In the case of Saroja Vs. Sub Divisional Magistrate and others also issued direction which also concerned with water problem. In both the cases, there was an undertaking that the water should be used for only for the usage of the students and should not be sold commercially.

6.In view of the above, the respondents 1 to 3 are directed to provide necessary police protection to the petitioner to draw water from the aforesaid patta land comprised in Survey Nos.40/10B & 40/3, Palampatti Pottakkadu Village, Verapandi Post, Salem District, with the consent of the land owners.

7. With the above direction, this Criminal Original Petition is disposed of.

सत्यमेव जयते
-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

rm/rri

To

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

2.The Deputy Superintendent of Police,
Annathanapatti, Salem District.

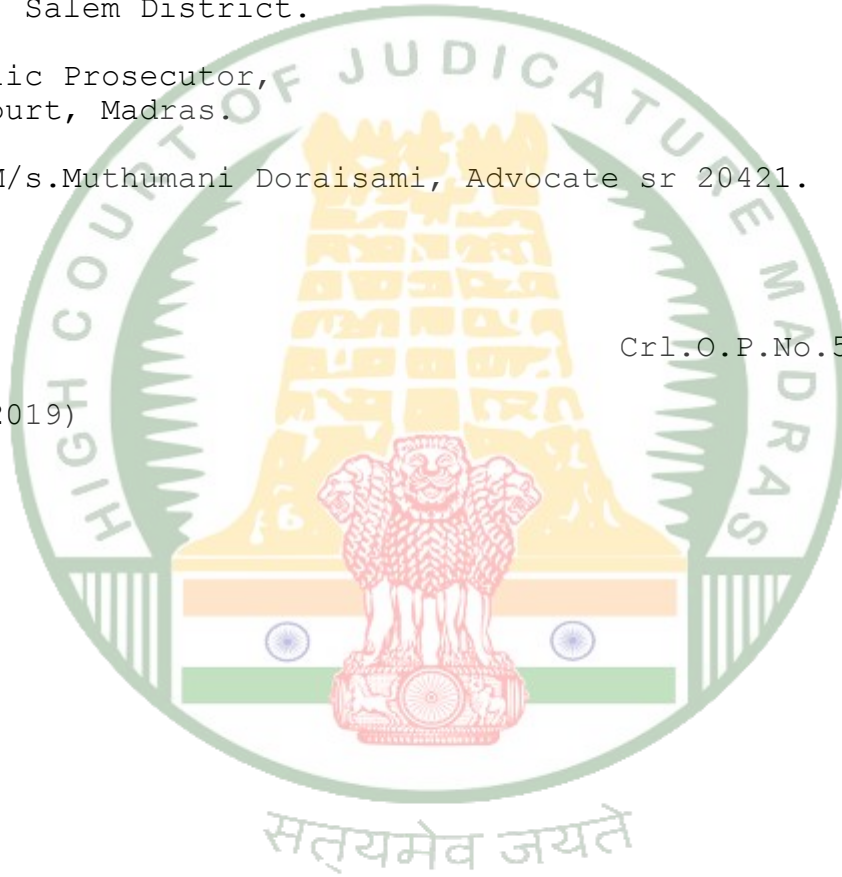
3.The Inspector of Police,
Mallur Police Station,
Mallur, Salem District.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.Muthumani Doraisami, Advocate sr 20421.

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SP(26/03/2019)



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