

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.21205 of 2019

P.Raja

.. Petitioner

Versus

1.The Inspector of Police,
Kannankurichi Police Station,
Salem City - 606 005.

2.Srinivasan

3.S.Chokalingam

4.Venkatesan

5.R.Srinivasan

6.Dhanapalan

7.A.Rathinasamy

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to grant police protection to the petitioner for taking water from the well of the petitioner situated in S.No.147/2-A2 situated in Komarasamy patty, Salem District based on the complaint given by the petitioner dated 14.04.2019.

For Petitioner : Mr.S.P.Yuaraj

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor[for R1]

O R D E R

The petitioner seeks for police protection apprehending that the respondents 2 to 7 herein are objecting to the petitioner drawing water from his own well which is situated in S.No.147/2-A2 in Komarasamy patty, Salem District, for the purpose of irrigation.

2. According to the learned counsel for the petitioner, he is the owner of the land in S.No.147/2-A2 and that he has also taken some lands for lease and undertaking agriculture activities. The petitioner is drawing water from the well which is situated in S.No.147/2-A2 in Komarasamy patty, Salem District only for the purpose of irrigating the coconut trees.

3. The apprehension of the respondents 2 to 7 herein is that the petitioner is drawing the water from the well for commercial purpose and thereby, the ground water level may get affected.

4. The learned Additional Public Prosecutor would submit that based on the complaint given, they have enquired into the matter and found it fit to direct the respondents 2 to 7 to approach the Revenue Divisional Officer to sort out their disputes.

5. In the petition filed before this Court by the petitioner namely P.Raja, there is a categorical statement that the water drawn from the well in S.No.147/2-A2 is only for the purpose of irrigating the petitioner's land. The learned counsel also submitted that they are not utilizing the said water for any commercial purpose nor does the petitioner have any intention to utilize the same in future.

6. In view of this categorical statement made, the respondents 2 to 7 herein cannot have any grievance, since the petitioner has a right to utilize the water drawn from his own well for the purpose of irrigating his own land.

7. In the light of the above observation, this Court is of the view that in case there is any disturbance from the respondents 2 to 7 or any other third parties, the petitioner is entitled to seek for police protection.

8. Accordingly, the petitioner is granted liberty to approach the 1st respondent seeking for police protection whenever he apprehends disturbance in connection with the aforesaid issue and on receipt of such application, the 1st respondent shall take further course of action, in the light of the above observation made in this order. Such an action shall be taken at least within two days from the date of receipt of a copy of such application.

The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

bri

To

1.The Inspector of Police,
Kannankurichi Police Station,
Salem City - 606 005.

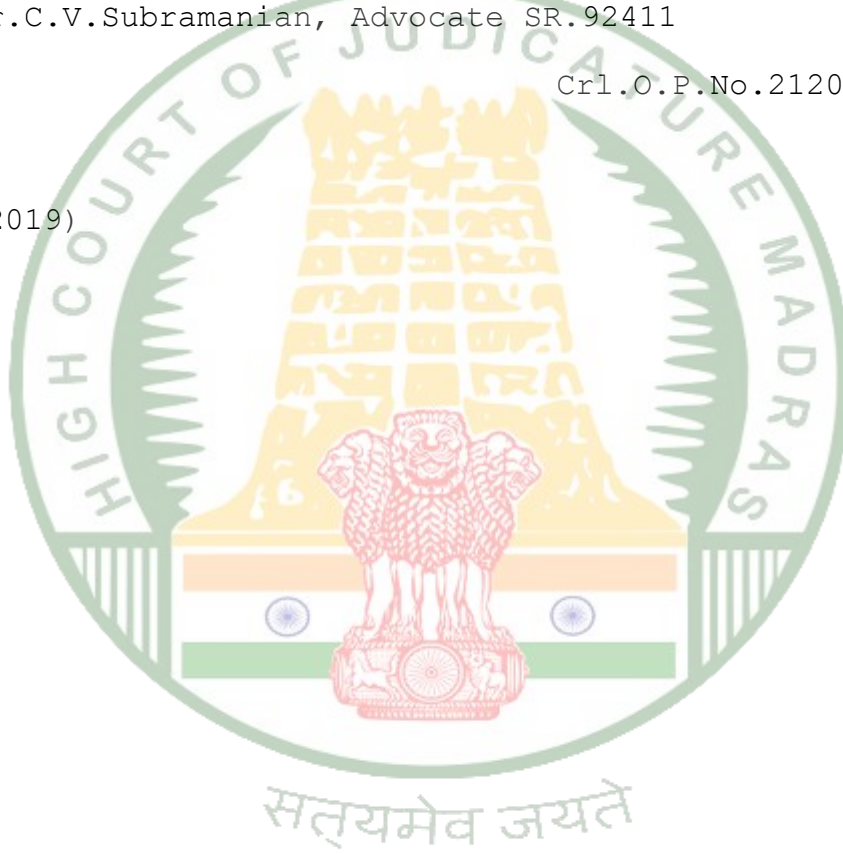
2.The Public Prosecutor.,
High Court Madras.

+lcc to Mr.S.P.Yuvaraj, Advocate SR.92033

+lcc to Mr.C.V.Subramanian, Advocate SR.92411

Cr1.O.P.No.21205 of 2019

SR(CO)
CB(19/11/2019)



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