



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P. (MD)No.13036 of 2020

Maranthai Village Panchayat
Kalayarkovil Panchayat Union
Sivagangai District.
Rep. by its President
Thiruvagasam, S/o. Muthusamy

... Petitioner

Vs.

1.The Superintendent of Police
Sivagangai District.

2.The Inspector of Police
Kalayarkovil Police Station
Sivagangai District.

3.Raja

4.C.Pandi

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 to provide adequate police protection during the erection of pipe-line connection and installation of RO plant in the Melasethur Village, Kalalyarkovil Union, Sivagangai District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents 1 & 2 : Mr.V.Neelakandan

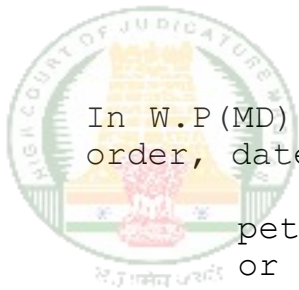
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to provide adequate police protection during the erection of pipe-line connection and installation of RO plant in the Melasethur Village, Kalalyarkovil Union, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.The petitioner seeks police protection for the establishment of R.O Plant as the water extracted from it has to be used only for the benefit of the particular village or hamlet. However, One C.Pandi / fourth respondent has filed Writ Petition (PIL) before this Court challenging the establishment of RO plant.



In W.P(MD) No.8476 of 2020, the Division Bench of this Court, by an order, dated 04.09.2020 has stated as follows :

"9. The learned counsel appearing for the petitioner is unable to specify any rule preventing or banning the establishment of R.O Plant and that the water extracted from it has to be used only for the benefit of the particular village or hamlet. Insofar as the allegation as to the establishment of proposed R.O plant and exploitation of water for commercial purpose except making the allegations, no material whatsoever has been placed in the typed set of documents.

10. It is well-settled position of law that when there is an allegation of *malafide*, it has to be proved. However, the petitioner failed to probablize or substantiate the said allegations.

11. This Court, taking into consideration the above facts and circumstances, is of the considered view that the present writ petition lacks merits. The second respondent viz., the Block Development Officer, Kalaiyarkovil Panchayat Union, Sivagangai is also directed to put in monitoring mechanism as to the utilization of the purified water, in the event of R.O plant, being operational and see to that the water extracted from the bore well is utilised purely for public purpose and not for commercial exploitation."

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that based on the complaint given by the petitioner, enquiry has been conducted in CSR No.388 of 2020 dated 06.08.2020 and the same was closed on 01.09.2020 itself.

5.The grievance of the petitioner is that now he wants to implement the project. However, the said C.Pandi and others are preventing the petitioner from installing the RO plant.

6.The learned counsel for the petitioner would further state that if the amount sanctioned by the Government is not utilized, the sanctioned amount may be cancelled and the people from Melasethur Village will not be able to get the benefit of RO plant.

7.In an earlier order, this Court has specifically directed in the following manner, namely, "the second respondent / Block Development Officer, Kalaiyarkovil Panchayat Union, Sivagangai is also directed to put in monitoring mechanism as to the utilization of the purified water, in the event of R.O plant, being operational and see to that the water extracted from the bore well is utilised purely for public purpose and not for



commercial exploitation." Since, there is a specific order passed by this Court, it would be appropriate to give a direction to the respondent police to provide police protection to the petitioner to install the RO water plant.

7.Considering the submission made on either side and in view of the specific order passed by this Court earlier, the respondents 1 and 2 are directed to provide police protection to the petitioner for installation of RO water plant in Melasethur Village, Kalalyarkovil Union, Sivagangai District.

8.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Superintendent of Police
Sivagangai District.

2.The Inspector of Police
Kalayarkovil Police Station
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.13036 of 2020
19.11.2020

KG (CO)

KB (24.11.2020) 3P 4C