



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD)No.15609 of 2020

L.Kalidass

... Petitioner

Vs

1.The Superintendant of Police,
O/o.The Superintendant of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tirunelveli District.

3.O.S.Rajendran

4.G.Shanmugasundararaj @ Sharms

5.Vasanthi

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent to consider the petitioner's representation dated 14.12.2020 and give adequate police protection to clean the sewage man hole situated in front of the petitioner's house without any hindrance.

For Petitioner : Mr.J.Pandi Dorai

For R1 and R2 : Mr.V.Neelakandan,

Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to consider the petitioner's representation dated 14.12.2020 and give adequate police protection to clean the sewage man hole situated in front of the petitioner's house without any hindrance.

2. The learned counsel for the petitioners submitted that when the petitioner was cleaning the sewage tank situated right outside the petitioner's back door, the respondents 3 to 5, who have no right over the property, objected to clean the same without any legal basis. Hence, the petitioner sent a representation to the respondents on 09.01.2020 requesting to provide adequate police protection. Since no action has been taken, the petitioner has filed Crl.O.P.(MD)No.3692 of 2020 before this Court and the same was closed recording the submission of the learned Additional Public Prosecutor that after enquiry, if it is found protection is required, suitable action will be taken. Thereafter, on 04.09.2020



requested the second respondent to comply with the order of this Court and submitted a representation on 14.12.2020 seeking necessary police protection. So far, no action has been taken. Hence, the petition.

3.The learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2, on instructions, would submit that the complaint of the petitioner has been received by the respondent police and enquiry on the same is pending in CSR No.764 of 2020.

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

5.Recording the above submission made by the learned Additional Public Prosecutor, without advertting into the merits of the case, the respondents 1 and 2 are directed to consider and take action on the petitioner's representation dated 14.12.2020 after giving opportunity to the necessary parties by following the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** on merits and in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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 Superintendant of Police,
O/o.The Superintendant of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tirunelveli District.



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

Crl.O.P(MD)No.15609 of 2020

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