

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.8043 of 2021

1.A.Senthil
2.P.Murugan
3.P.Thenmozhi

...Petitioners

Versus

1.The Superintendent of Police,
Salem District, Salem.
2.The Deputy Superintendent of Police,
Omalur, Salem District.
3.The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Omalur Taluk,
Salem District.
4.P.Palanisamy

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1 to 3 to provide police protection to the petitioners and their family members based on the representation dated 30.03.2021 given by the petitioners.

For Petitioners: Mr.V.Elangovan
For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners herein along with others had filed a Public Interest Litigation in WP.No.15927 of 2020 before the First Bench of this Court seeking removal of unauthorized construction put up by the fourth respondent, obstructing the free passage of the petitioners and the villagers. This Court by order dated 12.03.2021 had directed the Tharamangalam Town Panchayat to take immediate steps to remove the illegal construction and restore the land to its original shape and form. Thereafter, encroachment had been removed.

2. Offended to the action taken by the petitioners and others, one Muthu, Madhiyalagan, Vetrivel and Kandhasamy with their men and muscle power had dug up canals diverting the sewage water towards the residence of the petitioners. When the same was questioned, they threatened and attempted to assault the petitioners. Hence they submitted representation to the respondents 1 to 3 on 30.03.2021, which was received by the respondents on 01.04.2021. The proof of the same is filed.

3. The learned Additional Public Prosecutor submits that in view of the directions of the First Bench of this Court, Tahsildhar, Omalur along with other Revenue and Police Officials had gone to the scene of occurrence and demolished the illegal construction. Thereafter, the petitioners and the rival group were advised to live peacefully in their respective places. With regard to the diversion of sewage water, enquiry is initiated.

4. Considering the submissions and on perusal of the materials, it is seen that the petitioners along with others approached this Court by way of Public Interest Litigation and thereafter, based on the orders of this Court, encroachment had been removed. Subsequently, the rival group had diverted the sewage water towards the residence of the petitioner, which is a serious matter to be looked into. In view of the same, the second respondent / Deputy Superintendent of Police with the assistance of the Revenue Officials is directed to conduct a detailed enquiry in this matter, after summoning the parties. If any cognizable offence is made out, the respondent police shall register an FIR. In the meanwhile, necessary protection to be given by the respondent police to the petitioners.

5. With the above directions, this petition is disposed of.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

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

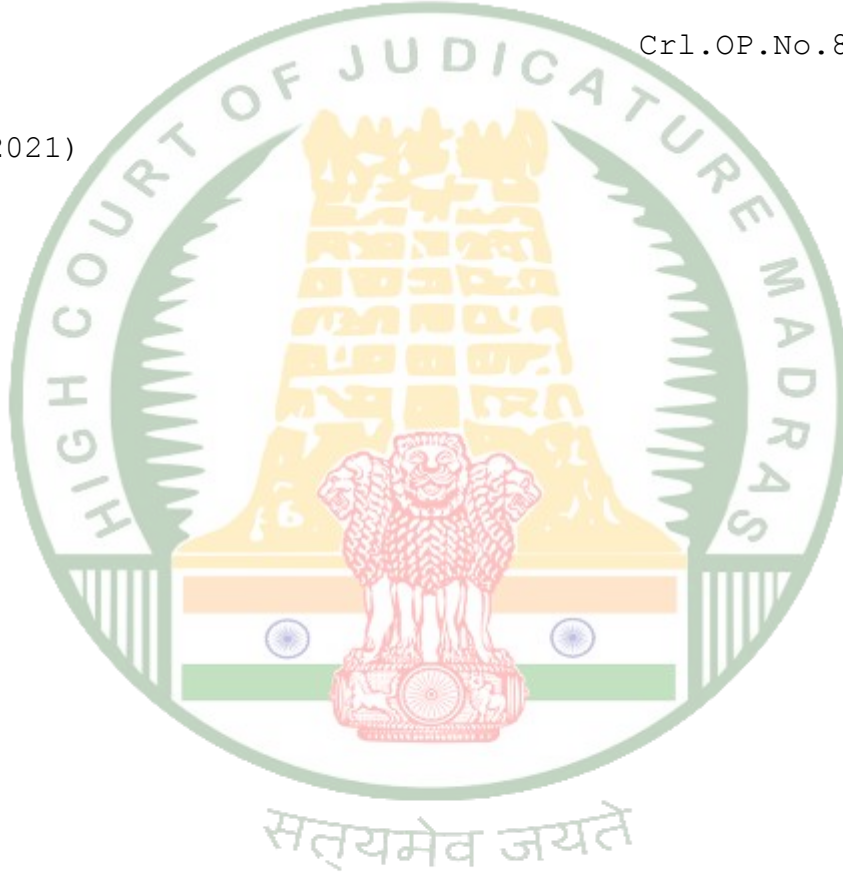
3. The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Omalur Taluk,
Salem District.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

+1 CC to Mr.S. Doraisamy, Advocate sr 26419.

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SV(CO)
SP(02/07/2021)



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