



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.17925 of 2021

M/s.Om Muruga Siru Vivasayigal
Neeretre Pasana Sangam
Represented by its President
Dr.V.S.Thennarasu
No.2/352, Vavipalayam Village, Kolaram,
Paramathi Velur Taluk,
Namakkal District - 637 201.

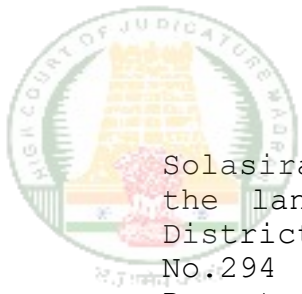
...Petitioner

Vs

- 1.The District Collector
Namakkal District.
- 2.The Superintendent of Police
Namakkal District.
- 3.The Deputy Superintendent of Police
Thiruchengode, Namakkal District.
- 4.The Deputy Superintendent of Police
Paramathi velur, Namakkal.
- 5.The Inspector of Police
Pallippalayam Police Station
Namakkal District.
- 6.The Inspector of Police
Jedarpalayam Police Station
Namakkal District.
- 7.The Inspector of Police
Velagoundampatti Police Station
Namakkal District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue of a writ of mandamus directing the respondents to provide adequate police protection to the employees of the petitioner society as well as its machinery, for laying pipeline from C.J.Road Essar Petrol Bunk to



Solasiramani - Molasi Road where the existing Well located in the lands in Molasi Village, Paramathi Velur Taluk, Namakkal District, comprised in S.No.130/2A17, in the light of G.O.(Ms) No.294 dated 28.11.2020 issued by the Public Works (N-1) Department, the order dated 19.03.2021 in Na.Ka.No.A2/184/2021, issued by the Commissioner of Panchayat Union, Kabilarmalai, the order dated 09.08.2021 in Na.Ka.No.132/2021/a2 issued by the Commissioner of Panchayat Union, Tiruchengodu and the order dated 10.08.2021 in Proc.No.Sa.Ve/2021/EV a3/Ko.Mu.Ka (1 Va) issued by the Divisional Engineer, Highways Department, Namakkal, by considering the representation dated 11.08.2021 given by the petitioner society.

For Petitioner : Mr.S.Senthil
For Respondents: Mr.A.Damodaran
Addl.Public Prosecutor.

ORDER

The petitioner society viz. OM Muruga Siru Vivasayigal Neeretre Pasana Sangam was formed for providing irrigation facilities to the lands of the members, who are small farmers and to provide drinking water for them and their cattle. The members of the petitioner society unanimously decided for carrying the water available in the exiting Well located in the lands in Molasi Village, comprised in S.No.130/2A17 in an extent of 0.19.00 Hectares of the petitioner society to all the 325 acres of agricultural land owned by the Members of the petitioner society through pipelines so as to do drip irrigation and also for fulfilling the need for drinking water and for cattle. They had approached the authorities and obtained no objection certificate and wherever required, they have paid the necessary charges and fees. The Government, in G.O.(Ms).No.294 Public Works (N1) Department dated 28.11.2020, agreed for the proposal and also permitted the petitioner, which consists of 165 members, to use 25 million metric tonnes of water for the purpose of irrigating and carrying out agricultural activities in 325 acres of their land. For the purpose of taking water, it has to pass through several villages, cut across the roads and public pathways, for which, the concerned panchayats had given no objection as well as the Block Development Offices and Highway Department also had given no objection certificate, which have been produced in the typed set. As far as the officials are concerned, they have no objection for the petitioner taking water for their agricultural activities. After getting appropriate orders, the petitioner's association has been carrying on their pipeline work. At that time, they had encountered resistance from certain persons for the purpose of extracting money. The petitioner lodged a complaint to the



Superintendent of Police, Namakkal, but no action has been taken. Hence, the present petition.

2.The learned Additional Public Prosecutor has filed counter admitting that permission, consent and approval from the concerned Authorities like Chief Engineers PWD Irrigation, Commissioner land Administration Chennai, Cauvery Water Regulation Committee has been obtained and as per G.O.M.S.No.294 dated 28.11.2020 they had permitted the petitioner to lay the pipeline and to take water for agricultural activities. Further, the Commissioner, Panchayat Union, Kabilarmalai, the Commissioner of Panchayat Union, Thiruchengode and the Highways Department, Namakkal have also given permission to the petitioner. On the strength of the above permission, they have been carrying on the pipeline work at Kolaram village to Chithalandur Soral village. The local people have raised some objections and prevented the earth work to be carried out by the petitioner. Later, the complaint has been lodged on 11.08.2021 seeking police protection. Further, it is submitted that as and when the petitioner encounters such resistance, the respondent police will give necessary protection since the petitioner have been carrying out only lawful work and that too, after getting appropriate permission for their agricultural activities, which is their livelihood.

3.Considering the submissions and on perusal of the materials, finding that the petitioner is an association of small agriculturists, consisting of 165 members having 325 acres of land, who have been permitted and to take water through pipeline for their agricultural activities. In view of the same, the Superintendent of Police, Namakkal, to give police protection and to give permission for the petitioner to lay pipeline, if any resistance is made by any unauthorized persons with vested interest. Stern action to be taken. In view of the above direction, the Criminal Original Petition is disposed of.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

nr/sms



To

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Namakkal District.
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Namakkal District.
 - 7.The Inspector of Police
Velagoundampatti Police Station
Namakkal District
 8. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.S.Senthil, Advocate sr 55762.

W.P.No.17925 of 2021

BR(CO)
SP(01/11/2021)