



WEB COPY

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P. No.24218 of 2011

P.Kaliyamurthy

... Petitioner

versus

1.The Superintendent of Police,
O/o. Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2.The Deputy Superintendent of Police,
O/o Deputy Superintendent of Ploice,
Thirukovilur.

3.The Sub Inspector of Police,
Thirupalapanthal Police Station,
kallakurichi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the second and third respondents to provide police protection to the petitioner and his men to lay pipe line in Odai poramboke in Survey No.351/1. Seerpananthal Village, Sankarapuram Taluk, Kallakurichi District.

For petitioner : Mr.R.Baskar

For Respondents: Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This Writ Petition is filed to direct the second and third respondents to provide police protection to the petitioner and his men to lay pipe line in Odai poramboke in Survey No.351/1. Seerpananthal Village, Sankarapuram Taluk, Kallakurichi District.

2. The petitioner is an agriculturist wanted to lay a pipe line, to carry water from the available source to his agricultural field, which passes through the main road but certain people objected the petitioner from laying the pipe line, for which, the petitioner has given a complaint to the third respondent and no action has been taken till now. Due to which, the petitioner is unable to lay a pipeline and draw water for his field, hence the above Writ Petition,



3. The contention of the petitioner is that the petitioner had earlier filed a Writ Petition in W.P.No.12884 of 2020 seeking, a direction to the Tahsildar to permit him to draw water from the available source to his field through PVC pipe and this Court vide its order dated 16.09.2020, directed the Tahsildar to consider the representation of the petitioner and pass orders on merits. Thereafter, the Tahsildar had passed an order dated 10.05.2021, granting permission to the petitioner to obtain No Objection Certificate from the Block Development Officer of Rishivanthiyam. The petitioner had accordingly obtained No Objection Certificate from the Block Development Officer, Rishivanthiyam, on 28.07.2021. Thereafter, on 06.08.2021, at about 7.00 am, when the petitioner was visiting the site, the villagers of Karaiyampalayam, namely, Balakrishnan, Ramasamy, Palani, Tamilarasi, Duraimurugan, Govindan, Anjali and Sarathambal, in group abused the petitioner in filthy language and also threatened him with dire consequences stating that if the petitioner further pursue the act of laying pipeline, he would be done to death. The petitioner produced the order of the Tahsildar in Na.Ka.No.A5/4014/2020 dated 10.05.2021, wherein, the Tahsildar had granted him permission with certain conditions. Further vide communication No.A2/1694/2020 dated 28.07.2021, the Block Development Officer, Rishivanthiyam had permitted the petitioner to lay pipeline and draw the water for his agricultural field.

4. The learned Public Prosecutor submits that if the petitioner complied with the conditions of the revenue authorities and the Block Development Officer, the respondent police would provide protection and also would see to that the orders of the revenue authorities and others are being implemented.

5. Considering the above submissions and also on a perusal of the materials, it is seen that the Tahsildar, Sankarapuram as well as the Block Development Officer, Rishivanthiyam, granted permission to the petitioner with certain conditions. The petitioner submits that he has complied with the conditions and the authorities after considering all these aspects, granted permission and no individual has any right to stop the implementation of the orders of the authorities, otherwise the same is challenged in the manner known to law.

6. In view of the same, the third respondent police is hereby directed to provide necessary protection to the petitioner and enable him to lay down the pipeline and draw the water to his field.



7. With the above direction, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

drm/rpl
To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 2.The Deputy Superintendent of Police,
O/o Deputy Superintendent of Ploice,
Thirukovilur.
- 3.The Sub Inspector of Police,
Thirupalapanthal Police Station,
kallakurichi District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Baskar, Advocate Sr.NO.58851

W.P. No.24218 of 2011

ksm(CO)
A.SK(30.11.2021)