



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.8097 of 2021

Devaraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.

3.Saviour

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to provide adequate and necessary police protection to the petitioner's life and limb based on his representation dated 31.05.2021.

For Petitioner : Mr.K.Karthikeyan.
For R1 & R2 : Mr.R.M.Anbunithi,
Addl. Public Prosecutor (Crl. Side)

ORDER

This petition is filed seeking police protection on the basis of the representation dated 31.05.2021.

2.The case of the petitioner is that he is a social activist. The third respondent is involved in sand mining activities. The petitioner filed W.P.(MD)No.16029 of 2019 before this Court seeking a direction to survive the water bodies in several villages in Trichy District. The case was allowed and the authorities were directed to save the water bodies. The third respondent appears to have been affected by the aforesaid order. The petitioner also preferred a representation to the District Collector and other Revenue Authorities seeking the same relief. Since no action was taken on the said representation, he filed W.P.(MD)No.20565 of 2019 seeking a direction to consider his representation. Later, the third respondent and his men threatened the petitioner to withdraw the said writ petition. On 23.05.2021, when the petitioner was standing near the Revenue Divisional Officer, Srirangam, the third respondent along with seven persons threatened the petitioner with dire consequences and threatened him that they will kill him. Therefore, the petitioner lodged a complaint orally before the respondent police and he also sent a representation dated 31.05.2021 to the District Collector, Revenue Divisional Officer and the respondents 1 and 2 to herein. Since no action was taken, he filed



this petition.

3. When the matter was taken up for hearing, a direction was issued to the learned Additional Public Prosecutor to file a status report with regard to representation made by this petitioner.

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4. In pursuance to the said order, the respondent police filed status report. Wherein, it has been stated that based upon the representation made by the petitioner, enquiry was undertaken and during the course of the enquiry, it was found that both the petitioner and the third respondent are living in the same village and they are relatives. The petitioner is affiliated to AMMK political party and the third respondent is affiliated to AIADMK and there is previous dispute between them for the election conducted for the post of counselor before 10 years. From that date onwards, there is enmity between them. So the petitioner sent a representation to the officials accusing the third respondent. The third respondent has stated that he is a authorized contractor and he is taking gravel mud after getting permission from the authority concerned. He also got permission from the authority from 13.07.2018 to 12.07.2023 at Ramachandrapuram Monjanur East Village, Karur District. Since, the third respondent took gravel sand in S.No.701, without prior permission, a case in Crime No.176 of 2021 was registered for the offences under Section 379 of I.P.C. r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act and he was arrested along with Arokiyasamy and Lakkan. However, the third respondent was granted anticipatory bail. Since the third respondent threatened the petitioner to return the amount borrowed from Anantharaj, the a case in Crime No.262 of 2021 is registered for the offence under Section 506(ii) of I.P.C.

5. Heard both sides.

6. After hearing the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2, it is seen that there is a previous enmity between the petitioner and the third respondent herein. The dispute is also existing between them. They contested for the counselor post in the past. It is also seen that against both the parties, criminal cases are pending. Against this petitioner a case in Crime No.262 of 2021 has been registered on the basis of the complaint given by Anantharaj. Hence, this petition is filed, seeking police protection.

7. It appears that the petitioner has filed a writ petition seeking action for surveying water bodies. A representation has been sent by this petitioner to the officials against the third respondent stating that he is engaged in illegal sand mining activities. So due to above said facts, enmity is existing between them. It appears that there is no life threat to the petitioner. By



the representation. On the basis of the complaint given by this petitioner, a case in C.S.R.No.82 of 2021 has been registered. It appears that still the same under enquiry stage.

8.Considering the facts and circumstances of the case, the question of granting police protection to the petitioner does not arise and since there is no life threat to the petitioner, a direction is issued to the second respondent herein to complete the enquiry in C.S.R.No.82 of 2021 within a period of three weeks from the date of receipt of a copy of this order.

9.In the result, this Criminal Original Petition is disposed of with the above directions.

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 Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.8097 of 2021
11.08.2021

MMS (CO)
KB(24.08.2021) 3P 4C