



CrI.O.P.(MD)No.7897 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:17.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.7897 of 2023

T.Mohamed khaja Alimudeen

... Petitioner

Vs.

1. The Inspector General of Police,
Inspector General Office,
Madurai South Zone, Madurai.
2. The Superintendent of Police,
Madurai District, Madurai.
3. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
4. S.Jothi

5. S.Muthuraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to give police protection to the petitioner for fishing rights in S.Nos.15/1 and 15/3 in Sambakulam Village, Vadipatti Taluk, Madurai District.

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For Petitioner : Mr.N.Ganesh

For Respondents : Mr.E,Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 to R3
Ms.M.Nila for R4 and R45

ORDER

This petition is filed seeking for a direction to the third respondent police to provide protection to the petitioner while ensuring his fishing rights in Survey Nos.15/1 and 15/3 in Sambakulam Village, Vadipatti Taluk, Madurai District.

2. It is submitted by the learned counsel for the petitioner that as per the judgment in A.S.No.533 of 1977, the petitioner's forefather and the petitioner have been enjoying fishing rights in Survey Nos.15/1 and 15/3. It is submitted that the unofficial respondents 4 and 5 have been obstructing the petitioner's fishing rights and thereby a representation is filed before the respondents police on 10.04.2023 but police have not come forward to provide protection.

3. Learned counsel appearing for respondents 4 and 5 have submitted that even though the petitioner has got the fishing rights in



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Survey Nos.15/1 and 15/3, the petitioner has kept the water in the tank without letting the water out for the usage of general public and in respect of that this Court in W.P.(MD) No.26794 of 2022, has directed to approach the Superintending Engineer, PWD, Madurai, and accordingly the said authority has seized of the matter in respect of usage of water by the petitioner in the said tank.

4. Keeping all issues aside, learned Additional Public Prosecutor submits that soon after after receiving of the petition dated 29.12.2022 for providing protection for fishing rights of the petitioner, the police have provided the protection and accordingly, the petitioner has peacefully harvested the fish in the tank. However, learned counsel for the petitioner while objecting the said submissions represents that the police have not given any protection in response to the petition and that the fish were harvested by unofficial respondents 4 and 5 and in respect of that, the petitioner stated to have filed a complaint dated 16.04.2023, in respect of which, C.S.R.No.231 of 2023, Alanganallur Police Station, was issued and after conducting inquiry, the same was closed by recording the undertaken given by the fourth respondent.



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5. Since, this petition is filed for seeking a police protection while harvesting the fish during the month of April and since, the harvesting of fish was already done, case does not survive to the petitioner.

6. Accordingly, this petition is disposed of. However, the petitioner is at liberty to file an application before the respondents police if the police protection is required and if any such application is filed, the respondents police are directed to dispose of the same without delay. At request of the learned counsel for the petitioner, the respondents police are permitted to consider to give a copy of the undertaking given by the fourth respondent in C.S.R.No.231 of 2023 on filing of an application.

7. With the above observation, this petition is closed.

17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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