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Crl.R.C.No.899 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.R.C.No.899 of 2024

Annadurai

.....Petitioner

Vs.

1.The Superintendent of Police,
Kallakurichi District.
2.The Inspector of Police,
Kachirayapalayam Police Station,
Kallakurichi District.

...Respondent

Prayer : Criminal Revision Case has been filed under Section 397 of Cr.P.C., to set aside the judgment of the Judicial Magistrate No.I, at Kallakurichi in Crl.M.P.No.1776 of 2024 vide order dated 15.04.2024 and to direct the 2nd respondent Police to register the complaint filed by the petitioner dated 12.03.2024 and to investigate the case and file final report in accordance with law.

For Petitioner	: Mr.S.Ramajayam
For Respondent	: Mr.A.Gopinath
	Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed to set aside the judgment and decree of the learned Judicial Magistrate No.I, at Kallakurichi in Crl.M.P.No.1776 of 2024 vide order dated 15.04.2024.

2. The case of the petitioner is that the petitioner is the owner of the



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agricultural land situated in Survey No.86/6, 86/7, 88/1A, at Eliyathur Village, Chinnasalem Taluk, Kallakurichi District and he is cultivating sugar cane, paddy and various crops in his land for several years. Adjacent to his land, one stream is situated at Survey No.87/1 and the rain water is going through the Eliyathur Lake through the said stream. Further, there are several families doing agricultural work depending on the said Lake and stream. In the meantime, the panchayat president of Eliyathur Village destroyed the stream and laid road on it by misusing his power. Thereafter, he issued a legal notice to remove encroachments in the said land which allegedly belongs to the petitioner and against such notice, the petitioner filed a writ petition in W.P.No.6334 of 2024, which in turn, quashed the said notice. While so, on 12.03.2014 at 12.30 p.m., a gang of about 50 persons illegally destroyed and removed the sugar cane crops in the petitioner's land by using a JCB. When the petitioner and his wife questioned the said gang, the Village president and others came along with weapons, abused the petitioner and his wife by using obscene words and threatened to murder them. Hence, the petitioner lodged a complaint on 12.03.2024 before the Kachirapalam Police Station, who



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have given a CSR copy, but did not take any further action. Therefore, the petitioner sent a postal complaint to the Superintendent of Police on 18.03.2024, despite which, no action was taken. Therefore, the petitioner filed a petition under Section 156(3) of Cr.P.C. to direct the Inspector of Police, Kachirapalayam Police Station to register FIR against the proposed accused, but the Trial Court dismissed the same. Aggrieved by the said order, the present petition has been filed by the petitioner.

3. Learned counsel for the petitioner would submit that direction may be issued to the District Collector to depute authorised person to remove the encroachments made in Survey Nos.86/6, 86/7, 88/1A and to restore the stream to its original condition.

4. Learned Government Advocate appearing for the respondents would submit that if a direction is issued to the District Collector, they will remove the encroachments made in Survey Nos.86/6, 86/7, 88/1A and Survey No.87/1 by deputing concerned authorities within a period of four(4) weeks.

5. This Court gave its anxious consideration to the submission advanced by the learned counsel on either side and perused the materials



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available on record.

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6. It is to be borne in mind that water is the life source not only for humans, but also for crops, on which humans thrive and, therefore, it has been the consistent ratio laid down by the courts that water bodies should seldom be encroached as otherwise the sustenance of the living creatures, including humans, would face extinction.

7. In the present case, the main grievance of the petitioner is that the water body, which is the source for watering the crops in the agricultural lands belonging to the petitioner and other persons situated a like, has been encroached and a road has been formed. In spite of complaints being given to the law enforcing agency, as also the court, nothing worthwhile has happened, which has resulted in the petitioner knocking at the doors of this Court.

8. Even before this court, the petitioner prays a limited relief that the authorities may be directed to depute an authorised person and upon finding encroachments, the same may be removed. The said prayer

cannot be said to be unreasonable and the learned Government Advocate



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also fairly submits that the authorities would take necessary action to remove the encroachments so as to restore the water body, if such encroachment is made on the water body.

9. Therefore, considering the submission of the learned counsel appearing for the petitioner that the stream was destroyed by way of encroachment, this Court deems it fit to direct the District Collector, Kallakurichi to depute appropriate authorities to remove the encroachments and to restore the stream to its original condition for the welfare of the residents in and around the said stream. Accordingly, the District Collector, Kallakurichi is directed to depute concerned authorities to remove the encroachments made in Survey Nos.86/6, 86/7, 88/1A and Survey No.87/1 by deputing concerned authorities and to restore the stream to its original condition and he is also directed to file a report before this Court on 04.07.2024.

10. With the above directions, the Criminal Revision case is disposed of. Registry is directed to mark a copy of this order to the District Collector, Kallakurichi for appropriate action and for filing compliance report.



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WEB COPY 11. Post the matter on 04.07.2024 under the caption 'for reporting compliance'.

13.06.2024

msv

NOTE: Registry is directed to send a copy of this order to The District Collector, Kallakurichi.

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The District Collector,
Kallakurichi District.

2. The Public Prosecutor,
High Court, Madras.

M.DHANDAPANI, J.

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