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Crl.O.P.(MD)No.1413 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1413 of 2025

V.M.Subramanian

.. Petitioner

Vs.

1.State of Tamil Nadu,
Rep by the Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Deputy Superintendent of Police,
Thanjavur, Thanjavur District.

3.The Inspector of Police,
Town East Police Station,
Thanjavur.

4.The Commissioner,
Thanjavur Corporation,
Thanjavur.

5.Navaneethakrishnan

6.Sasikala

7.Priya @ Durga

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondents 1 to 3 to provide adequate police protection to the
petitioner's life and limb, based on the representation dated 30.12.2024.



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For Petitioners : Mr.A.Prasanna Rajadurai
For Respondents : Mr.K.Sanjai Gandhi
No.1 to 4 Government Advocate(Crl.Side)

ORDER

The petitioner had obtained permission from the Corporation Commissioner, Thanjavur in Na.Ka.No.14228/2024/MCE1 dated 12.02.2024 to close the drain by fixing pipeline at his own cost. The Sanitary Health Inspector had also inspected the place and given a favorable report. Thereafter, the Commissioner of Corporation, Thanjavur had granted permission to the petitioner.

2.The contention of the petitioner is that when the petitioner attempted to execute the work, the private respondents 5 to 7 obstructed the work and threatened the petitioner. The fifth respondent is the husband of the Councilor. The other private respondents are the relatives of the fifth respondent. They by misusing the power of Councilor are threatening the petitioner to close the open drain. Hence, the petitioner has filed this petition.



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3.The learned Additional Public Prosecutor appearing for the respondent police submits that the Corporation has given permission to the petitioner to close the open drain at his own cost. Hence, it shall be ensured by the second respondent that proper protection is given to the petitioner to carry on his work to close the drain near his house.

4.It is to be noted that open drains are harmful for human health as it is the breeding ground for flies, mosquitoes and many other disease-causing germs. The open drainage could be a conducive environment for mosquito breeding, hence lead to increase of diseases like Dengue, Malaria and so on. Hence, it is better to have a closed drain than an open drain. In the case on hand, the petitioner is ready to close the drain at his own cost and he has also obtained necessary permission for the said purpose. In such circumstances, there cannot be any objection from the private respondents, more so from the fifth respondent, who is the husband of a local Councilor.

5.In view of the above, this Criminal Original Petition is disposed of with a direction to the second respondent to provide adequate police protection to the petitioner to complete the laying of pipe line and close



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the open drain. In the event of unnecessary obstruction, appropriate action shall be taken by the second respondent. It is also made clear that the work of closing the open drain shall be completed within a period of three weeks from the date of receipt of a copy of this order.

28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thanjavur, Thanjavur District.
- 3.The Inspector of Police,
Town East Police Station,
Thanjavur.
- 4.The Commissioner,
Thanjavur Corporation,
Thanjavur.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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