

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18423 of 2016

A.Radhakrishnan ... Petitioner

Vs

State by
The Sub Inspector of Police,
Omalur Police Station,
Omalur,
Salem District. Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to register a case on the basis of the petitioner's complaint dated 01.08.2016 and to proceed with investigation in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent to register the case on the complaint dated 01.08.2016, given by the petitioner and to proceed with the investigation in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that illegal mining is taking place in the land belonging to Arulmighu Mariamman Temple, Kannanoor, Omalur Village, Salem District and therefore, the petitioner has lodged a complaint dated 01.08.2016 to the respondent, based on which, petition enquiry was conducted in CSR.No.538 of 2016.

4. The learned Additional Public Prosecutor submitted that the District Collector, Salem, has also addressed a

communication dated 22.07.2016 to the Joint Commissioner, HR&CE Department, Salem, to enquire into the petitioner's complaint and take action. The learned Additional Public Prosecutor further submitted that the police are awaiting report of the HR&CE Department, Salem .

5. The learned counsel for the petitioner submitted that the officials of the HR&CE Department are hand in glove with the people who are indulging in illegal mining.

6. Under such circumstances, the respondent-Police is directed to expeditiously conduct the enquiry in CSR.No.538 of 2016 and if it is found that illegal mining is going on in the lands belonging to the HR&CE Department, Salem, it is needless to state that strict action should be taken to stop the same.

7. The Joint Commissioner, HR&CE Department, Salem, is directed to provide necessary details to the respondent-police within two weeks from the date of receipt of a copy of this order.

With the above directions, this Criminal Original Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ds

To:

- 1.The Sub Inspector of Police,
Omalur Police Station,
Omalur, Salem District.
- 2.The District Collector,
Salem.
- 3.The Joint Commissioner,
HR&CE Department, Salem.
- 4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. R. Marudhachalamurthi, Advocate, Sr.No.48719

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NRJK (CO)
MD : 12/09/2016