

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.10.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.28111 of 2016

and W.M.P.No.24254 of 2016

P.Radhakrishnan

.. Petitioner

Vs.

1. The District Collector,
District Collector's Office, Vellore - 9.

2. The Revenue Divisional Officer,
Revenue Divisional Office, Vellore - 9.

3. The Superintendent of Police,
District Police Office, Vellore.

4. Perumugai Village Panchayat,
Rep. By its President, Saraswathi,
Perumugai Village, Vellore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing respondents 1, 2 and 3 to provide adequate protection to the transport of crushed blue metals from the petitioner's crusher APL Granites located at S.F.No.105/11 & 103/13 Perumugai Village, Vellore, through Ponnamman Kovil Street, Perumugai Village, Vellore District, through Ponnamman Kovil Street and pass appropriate orders.

For Petitioner : M/s. Bhavani Subbarayan, for,
Mr. K.V.Sajeev Kumar

For Respondents: Mr. S.Diwakar, Spl.G.P.,
for R-1 to R-3,
Mr. S.V.Durai Solai Malai, AGP.,
for R-4

O R D E R

Heard M/s.Bhavani Subbarayan, learned counsel, appearing on behalf of Mr. K.V.Sajeev Kumar, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader, appearing for respondents 1 to 3 and Mr. S.V.Durai Solai Malai, learned Additional Government Pleader, appearing for the fourth respondent. By consent of the learned counsel for both sides, the Writ Petition is taken up for final disposal.

2. The undisputed fact is that the petitioner is a Crusher of APL Granites, located in Survey Nos.105/11 and 103/13, Perumugai Village, Vellore District. Alleging that the fourth respondent, namely, President of the Village Panchayat, is creating problem to the petitioner, by intercepting the trucks and objecting the movements, the petitioner, gave complaints before the authorities and since effective actions were not taken, has approached this Court. At the intervention of the second respondent, it appears that there was some working arrangements made.

3. When the matter was came up for hearing on 08.09.2016, this Court directed the learned Special Government Pleader for respondents 1 to 3 to get instructions, in the matter. Accordingly, the second respondent sent a fax message, dated 19.09.2016, which was placed for consideration of this Court, on 21.09.2016, in which, it was stated that heavy lorries were passing through Ponniamman Kovil Street of Adi-Dravidar Colony, Perumugai Village, Vellore District, and the people of the colony were agitated and protested as road roko and there is a law and order issue. In order to enable the learned Special Government Pleader for respondents 1 to 3 to get further instructions, the matter was adjourned and today, it was taken up for hearing.

4. The learned Additional Government Pleader appearing for the fourth respondent submitted that the President of the Perumugai Village Panchayat is not creating any problem and she is ready and willing to appear before the second respondent and give necessary letter of confirmation that the Panchayat is not creating any problem.

5. However, if the Government or any other competent authority has granted any permission to the petitioner, then that permission should be effectively utilized, for which, the District Collector or the Revenue Divisional Officer have to take appropriate action. However, in the event of any illegality committed by the petitioner, in whose favour permission was granted or lease has been granted, then the authorities are entitled to take action. However, the interest

of the public in that area also should be protected, since the allegation against the petitioner is that heavy lorries are passing in the Village throughout day and night.

6. The learned counsel for the petitioner would submit that the petitioner alone has been targeted, though there are several other quarries in the same area. This also is a matter of concern and necessarily, it has to be found, as to why the petitioner alone should be targetted.

7. In the light of the above, there will be a direction to the second respondent to convene one more meeting, in which, the petitioner and the fourth respondent shall be called upon to participate and give statements before the second respondent, so as to enable the petitioner to carry on their operations in a peaceful manner. The second respondent is at liberty to fix the date, place and time of the meeting and later, intimate the same to the petitioner and the fourth respondent.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
District Collector's Office, Vellore - 9.
2. The Revenue Divisional Officer,
Revenue Divisional Office, Vellore - 9.
3. The Superintendent of Police,
District Police Office, Vellore.
4. Perumugai Village Panchayat,
Rep. By its President, Saraswathi,
Perumugai Village, Vellore.

+1cc to Mr.K.V.Sajeev Kumar, Advocate Sr.58271
+1cc to the Government Pleader Sr.58170

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srg 12/11/2016