



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

Cr1.O.P.(MD).No.12082 of 2016

J.Godwin Moses

..Petitioner/Aggrieved Person

Vs.

1.The State rep. by the
Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Suseendram Police Station,
Kanyakumari District.

..Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the second respondent to award adequate police protection for the petitioner's quarrying operation which is being done at S.F.No.331/1, Nalloor Village, Agastheeswaran Taluk, Kanyakumari District in pursuance to the proceedings of the District Collector, Kanyakumari District in R.C.No.216/G&M/2015, dated 03.07.2016 to the petitioner's life and limb in the light of his representation dated 13.07.2016.

For Petitioner

: Mr.R.Anand

For respondents

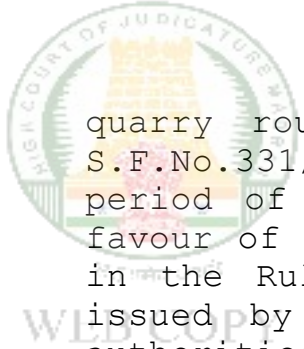
: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the respondents to provide Police protection for the petitioner's quarrying operation at S.F.No.331/1, Nalloor Village, Agastheeswaran Taluk, Kanyakumari District, in pursuance to the proceedings of the District Collector, Kanyakumari District in R.C.No.216/G&M/2015, dated 03.07.2016 and to the petitioner's life and limb based on his representation dated 13.07.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the respondents. By consent, the Criminal Original Petition itself is taken up for final disposal.

3.The learned counsel for the petitioner would submit that the petitioner has been granted quarrying lease in terms of Rule 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959 (hereinafter referred to as "the Rules") r/w Rules 19(1) and 22 of the Rules to



quarry rough stone / jelly to an extent of 1.69.5 hecets in S.F.No.331/1 of Nalloor Village, Agastheeswaram Taluk, for a period of 5 years from the date of execution of lease deed in favour of one J.Godwin Moses, subject to the conditions laid down in the Rules, the conditions mentioned in the clearance letter issued by SEIAA and the conditions imposed by the inspection authorities. He would further submit that without any authority, the proposed accused in C.S.R.No.336 of 2016 are giving trouble in execution of the quarrying operation and therefore, anticipating danger, the petitioner has sent a representation dated 14.07.2016 to the second respondent. As there was no response to the same, the petitioner has come up with this petition.

4.The learned Government Advocate appearing for the respondents, on instructions, would submit that the second respondent would consider the representation of the petitioner dated 14.07.2016 and pass appropriate orders on merits.

5.In view of the above submission made by the learned Government Advocate, this Criminal Original Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner, dated 14.07.2016 and after giving an opportunity of hearing to both the parties, pass appropriate orders on the same on merits and in accordance with law forthwith. After conducting the enquiry, if the second respondent feels that the protection is necessary, the same shall be granted.

6.This Criminal Original Petition is accordingly disposed of.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Superintendent of Police, Kanyakumari District,
Nagercoil.

2.The Inspector of Police, Suseendram Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Anand, Advocate in SR.38145

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