

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.Nos.17283 to 17285 of 2016

S.Latha ... Petitioner in Crl.OP.17283/2016

A.Gunasekaran Petitioner in Crl.OP.17284/2016

J.Manivannan ... Petitioner in Crl.OP.17285/2016

Vs

1.The Superintendent of Police,
Namakkal.

2.The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.

3.The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam and Post,
Thiruchengode Taluk,
Namakkal District - 637 202.

.... Respondents

Crl.OP.No.17283/2016: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent herein to grant police protection to the petitioner pursuant to the complaint / representation of the petitioner dated 14.07.2016 so as to enable the petitioner to continue the quarry operation from the lease hold area bearing S.F.Nos.147/1, 147/2, 147/3A, 147/3B1, 147/4A, 147/4B1, 147/5A, 147/5B1, 147/6, 147/7, 147/8 & 147/9 admeasuring 1.47.5 Hectares in Munjanur Village, Thiruchengode Taluk, Namakkal District and transport the quarried materials by using Panchayat Road through Sundangipalayam Village.

Crl.OP.No.17284/2016: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent herein to grant police protection to the petitioner pursuant to the complaint / representation of the petitioner dated 14.07.2016 so as to enable the petitioner to continue the quarry operation

from the lease hold area bearing S.F.No.149/1I, admeasuring 0.67.5 Hectares in Munjanur Village, Thiruchengode Taluk and District and transport the quarried materials by using Panchayat Road through Sundangipalayam Village.

Cr1.OP.No.17285/2016: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent herein to grant police protection to the petitioner pursuant to the complaint / representation of the petitioner dated 14.07.2016 so as to enable the petitioner to continue the quarry operation from the lease hold area bearing S.F.Nos.146/2C, 146/2D and 146/2E admeasuring 0.55.0 Hectares in Munjanur Village, Thiruchengode Taluk and transport the quarried materials by using Panchayat Road through Sundangipalayam Village.

For Petitioners : Mr.V.Sanjeevi

For Respondents : Mr.C.Emalias, APP

COMMON ORDER

These Criminal Original Petitions have been filed seeking a direction to the third respondent herein to grant police protection to the petitioners pursuant to their respective complaints / representations dated 14.07.2016 so as to enable them to continue the quarry operation from their respective lease hold areas bearing S.F.Nos.147/1, 147/2, 147/3A, 147/3B1, 147/4A, 147/4B1, 147/5A, 147/5B1, 147/6, 147/7, 147/8 & 147/9 admeasuring 1.47.5 Hectares in Munjanur Village, Thiruchengode Taluk, Namakkal District, S.F.No.149/1I, admeasuring 0.67.5 Hectares in Munjanur Village, Thiruchengode Taluk and District and S.F.Nos.146/2C, 146/2D and 146/2E admeasuring 0.55.0 Hectares in Munjanur Village, Thiruchengode Taluk and transport the quarried materials by using Panchayat Road through Sundangipalayam Village.

2. It is the case of the petitioners that after considering the reports of the authorities concerned and the Environmental clearance certificate, the District Collector, Namakkal, by respective proceedings in Na.Ka.No.47/Kanimam/2012 dated 28.11.2013, Na.Ka.No.50/Kanimam/2013 dated 16.10.2014 and Na.Ka.No.83/Kanimam/2013 dated 23.02.2016 granted quarry lease to the petitioners for quarrying stones for a period of 5 years. Pursuant to the same, lease deeds came to be executed between the parties. They are quarrying stones from the lease hold areas in accordance with the conditions of the said lease deed and the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959. While so, one K.Sankar in Munjanur Village and some persons in Sundangipalayam Village are obstructing the quarry

operation by the petitioners without any valid reasons. They are also preventing the petitioners from transporting the quarried stones by using the Panchayat Road through Sundangipalayam Village. Further, they are threatening them and their employees with dire consequences, if they continue to operate the quarry. Hence, the petitioners sent a separate representation dated 14.07.2016 to the respondents requesting police protection to them so as to enable them to continue the quarry operation peacefully. Finding no response on the said representations, they have filed the present petitions for the above stated relief.

3. On 19.12.2016, when the matters were taken up for consideration, this Court directed the police authorities to issue summons to all the concerned parties and thereafter conclude the enquiry and report the same before this Court within a period of three weeks.

4. Today, when the matters came up for hearing, learned Additional Public Prosecutor has produced a copy of the statement recorded from the parties, wherein, it has been specifically stated that they are not causing any hindrance to the quarry operation of the petitioners. The third respondent viz., Inspector of Police, Elachipalayam Police Station, Thiruchengode Taluk, Namakkal District, has also filed a report to the effect that based on the said statement, enquiry was closed on the complaints of the petitioners.

5. Such statement of the parties and the report of the third respondent are hereby recorded. In view of the same, there is no hindrance or threat caused to the petitioners to continue their quarry operation in the lease hold areas. If any person causes any interruption or hindrance, it is always open to the petitioners to approach appropriate forum for appropriate remedy in the manner known to law.

6. With the above observation, these petitions are disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Namakkal.

2.The Deputy Superintendent of Police,
Thiruchengode,
Namakkal District.

3.The Inspector of Police,
Elachipalayam Police Station,
Elachipalayam and Post,
Thiruchengode Taluk,
Namakkal District - 637 202.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.Sanjeevi, Advocate SR.15824

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of 2016

MSM(CO)
Eu 5.4.17



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