

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.31098 OF 2013

ORDER:

The petitioner prays for Mandamus to direct respondents 1 to 3 to act in accordance with law and provide police protection to petitioner company to carry on mining operations in an extent of 7.20 sq. Kms. in various survey numbers as described in G.O.Ms.No.31 dated 06..02.2004, Srikakulam District.

The 3rd respondent filed counter affidavit and submits that several crimes were registered on the complaint filed by the petitioner. There are serious disputes between the petitioner and the unofficial respondents. The 3rd respondent cannot resolve these disputes.

From the stand taken in the counter affidavit, it is clear that 3rd respondent expresses inability to provide police protection firstly, the dispute between the parties is civil in nature and secondly, unless and until an order is passed by competent Court protecting the possession of petitioner, the prayer for police protection to protect vast extent of 7.20 sq.kms. is not maintainable.

I have perused the affidavit, material papers and counter affidavit of respondent No.3. This Court is of the view that the prayer is general and seeks directly protection from Police to enable the petitioner to undertake mining operations. The petitioner, if so advised, has to move the competent Court for protection of its rights and enjoyment and thereafter, in spite of

prohibitory order by the Court, the unofficial respondents interfere then police protection can be claimed before the trial Court. The instant prayer substantially seeks enforcement of orders which are passed by the Mines and Minerals Department. In the considered view of this Court, the writ prayer for a direction to provide police protection does not satisfy the requirements of writ of Mandamus and this Court is not persuaded with the material filed by petitioner.

The writ petition fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 27.11.2017
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S.V.BHATT, J