

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.19965 of 2012

V.M.Rajamani

.. Petitioner

Versus

1. The District Collector,
Vellore District,
At Vellore.
- 2.The Tahsildhar,
Arakkonam Taluk,
Vellore District.
- 3.The Deputy Superintendent of Police,
O/o.the Superintendent of Police,
Vellore District.
- 4.The Inspector of Police,
Banavaram Police Station,
Arakkonam Taluk,
Vellore District.

5.P.Someswaran
(R5-impleaded as per Court order
dated 07.12.2012 by RSJ in
M.P.No.1/12 in W.P.No.19965/12)

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 20.02.2012 and 09.06.2012 and provide adequate police protection to the petitioner and his quarry works situated at S.F.No.471 to an extent of 0.80.0 hectare in Kattupakkam Village, Arakkonam Taluk, Vellore District and enable the petitioner to carry on his quarry business pursuant to the order in Na.Ka.No.101 of 2010 (mines) dated 04.02.2011 passed by the 1st respondent.

For Petitioner : Mr.P.A.Chithramani
For R1 to R4 : Mrs.Sri Jayanthi,
Spl.Govt.Pleader
For R-5 : Mr.C.Prakasam

O R D E R

This Writ Petition is filed to direct the respondents to consider the petitioner's representations dated 20.02.2012 and 09.06.2012 and provide adequate police protection to the petitioner and his quarry works situated at S.F.No.471 to an extent of 0.80.0 hectare in Kattupakkam Village, Arakkonam Taluk, Vellore District and enable the petitioner to carry on his quarry business pursuant to the order in Na.Ka.No.101 of 2010 (mines) dated 04.02.2011 passed by the first respondent.

2. The petitioner claimed that he had participated in the open tender called by the Government of Tamil Nadu for lease for quarrying and carrying away minor minerals by private persons on 10.03.2010. He was a bidder and claims that quarry lease was granted by the first respondent, namely the District Collector, Vellore District, Vellore in his name on 04.02.2011 in proceedings No.Na.Ka.No.101/2010 (mines). He was granted stone quarry lease for quarrying rough stones, cut stone, chakkai and jally in S.F.No.471 over an extent of 0.80.0 hectare in Kattupakkam Village, Arakkonam Taluk, according to Rule 8 of the Minor Mineral Concessions Rules for a period of 10 years. The petitioner claimed that the fifth respondent who had been impleaded subsequently by name P.Someswaran alias Govindarajan, son of E.D.Perumal was illegally quarrying stones and had stolen away 20 loads of sand and stones from the quarry which was specifically leased out to the petitioner by the first respondent. The petitioner lodged several complaints against the fifth respondent before the third and fourth respondents. It is stated that the third and fourth respondents have not given sufficient security for the petitioner. Consequently, this Writ Petition has been filed in the nature of Mandamus seeking a direction to the first to fourth respondents to consider the representations dated 20.02.2012 and 09.06.2012 and to provide adequate police protection to the petitioner and his quarry works situated at S.F.No.471 to an extent of 0.80.0 hectare in Kattupakkam Village, Arakkonam Taluk, Vellore District.

3. Relying on the counter affidavit by the fourth respondent, the learned Special Government Pleader appearing for the first to fourth respondents submitted that the petitioner and the fifth respondent had lodged complaints against each

other with respect to their differences in financial transactions. It was pointed out that the petitioner had come to the police station on 20.02.2012 to give a petition No.22 of 2012. His presence was recorded in the visitor's Register. Later, the petitioner's brother-in-law, by name Pandiyan gave a complaint to the Chief Minister's Cell. It was stated that both of the petitioner and the fifth respondent were inquired and they agreed to settle the matter between themselves. It is also seen that simultaneously, the fifth respondent had also given a complaint against the petitioner and his brother-in-law.

4. I hold that it is clear that the petitioner and the fifth respondent are trying to regularize the illegality of their activities by seeking police protection. Such request cannot be granted. It is not known as to whether the petitioner had been granted lease to quarry the stones in accordance with rules. The petitioner has no right to continue to quarry and if he has any grievances against the fifth respondent with respect to financial transactions, the first and fourth respondents cannot be dragged into that controversy. The first respondent/District Collector, Vellore is to ensure by following due process of law to ascertain whether the lease has been granted to the petitioner as claimed and whether any permission had been given to the fifth respondent as alleged.

5. With the above observations, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
At Vellore.
- 2.The Tahsildhar,
Arakkonam Taluk,
Vellore District.
- 3.The Deputy Superintendent of Police,
O/o.the Superintendent of Police,
Vellore District.

4.The Inspector of Police,
Banavaram Police Station,
Arakkonam Taluk,
Vellore District.

+1 cc to Mr.C.Prakasam, Advocate SR.No.79678
+1 cc to The Government Pleader, SR.No.79558
+1 cc to Mr.B.Sundara Pandian, Advocate SR.No.79075

W.P.No.19965 of 2012

RGN(CO)
CSL/12.12.2018



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