



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.21764 of 2018

T.S.Chandra Mohan

... Petitioner

Vs.1. The District Collector,
Trichy District, Trichy.2. The Assistant Director of Geology and Mining,
Trichy.3. The Superintendent of Police,
Trichy District, Trichy.4. The Inspector of Police,
Siraganur Police Station,
Trichy District.

5. Palanisamy

... Respondents

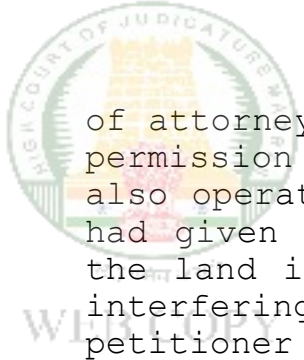
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the fourth respondent to provide adequate Police protection to the petitioner to run the stone quarry in Survey No.318/Bit 2 situated at Ootathur Village, Lalgudi Taluk, Trichy District, by considering the representation dated 03.03.2018.

For Petitioner	: Mr.T.Lenin Kumar
For Respondents	: Mr.B.Bhagawathi
1 to 4	Government Advocate

ORDER

This writ petition has been filed seeking for Police protection to the petitioner to run the stone quarry at Ootathur Village, Lalgudi Taluk, Trichy District.

2.The learned counsel appearing for the petitioner would submit that the petitioner's son was granted license for a period of five years to operate the quarry by the order of the District Collector dated 12.12.2016. The petitioner's son in turn had executed a Power



of attorney in favour of his father to operate the quarry as per the permission granted by the District Collector. The petitioner was also operating quarry. At that point of time, the fifth respondent had given a complaint against the petitioner as if the portion of the land in the quarry had been sold to him and the petitioner is interfering with his possession. At that point of time, the petitioner came to know that his signature has been forged and an agreement has been created on 21.07.2017. Immediately thereafter, the petitioner gave a complaint to the fourth respondent and the fourth respondent registered an F.I.R. in Crime No.209 of 2018, against the fifth respondent for the alleged offences under Sections 294(b), 506(ii), 465, 468 and 420 I.P.C.

3.The learned counsel appearing for the petitioner brought to the notice of this Court, the lease deed executed by the first respondent in favour of the petitioner's son in order to occupy the property and carry out the quarrying operation. The learned counsel would further submit that by virtue of the forged agreement, the fifth respondent is preventing the petitioner from carrying on the quarrying operation and also he is creating threat to the life and limb of the petitioner. The learned counsel would further submit that the petitioner has already given a representation seeking for Police protection on 02.04.2018.

4.The learned Government Advocate appearing for the respondents 1 to 4 would submit that based on the complaint given by the petitioner, the First Information Report has been registered by the respondent Police in Crime No.209 of 2018, against the fifth respondent and the investigation is pending.

5.It is seen from the records that the quarry is operated in a Government Poromboke land. Therefore, the District Collector, Trichy, has passed a specific order on 12.02.2016, granting license to carrying on with the quarry operation for a period of five years in favour of the petitioner's son. Thereafter, the lease deed dated 03.03.2017, was also executed in favour of the petitioner's son in order to take possession and to carry on with the quarrying operation for a period of five years up to February 2022. In the said lease deed, all the terms and conditions have been prescribed for the purpose of carry on the quarrying operation. The fifth respondent relies upon an agreement dated 21.07.2017, as if it was executed by the petitioner.

6.A reading of the alleged forged agreement shows that the petitioner has sold the property and also the quarrying operation in favour of the fifth respondent. It is not known as to how the alleged transaction can take place without the permission of the District Collector and without execution of a registered document in favour of the fifth respondent. The petitioner has also given a complaint before the respondent Police stating that his signature has been forged in the document and the respondent Police have also registered an F.I.R against the fifth respondent and investigation



is pending.

7. Admittedly, the sanction order as well as the lease stands in the name of the son of the petitioner. The petitioner being the father has been given the power of attorney to operate the quarry, by his son. With the availability of all these documents, the fifth respondent cannot be permitted to operate the quarry without bringing a valid order passed by the District Collector, Trichy. Till such order is passed, the fifth respondent will have no right to come anywhere near the property.

8. There shall be a direction to the fourth respondent to call the parties for an enquiry and give appropriate instructions to the fifth respondent not to come near the property without a valid order passed by the appropriate authority. If the fourth respondent Police is convinced that there is a threat perspective for the petitioner, necessary Police protection may also be granted in favour of the petitioner.

9. In the result, this Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Trichy District, Trichy.
2. The Assistant Director of Geology and Mining,
Trichy.
3. The Superintendent of Police,
Trichy District, Trichy.
4. The Inspector of Police,
Siraganur Police Station,
Trichy District.

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 91868

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 91791

TSG

TE/SV/SAR-1 : 09/11/2018 : 3P/7C