



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.21153 of 2019

WEB COPY

M/s. Pon Vinayaga Hill Stones
represented by its Managing Partner,
K.S. Ponnusamy.

... Petitioner

Vs.

1. The Superintendent of Police,
Karur District.

2. The Inspector of Police,
K. Paramathi Police Station,
Aravakkurichi Taluk, Karur District.

3. R. Murugesan

4. R. Balasubramaniam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a **Writ of Mandamus**, directing the first respondent to provide adequate police protection to the petitioner based on his representation, dated 30.07.2019.

For Petitioner : Mr.S. Prabhakaran, Senior Counsel
for Mr.Ma.Gowthaman

For R1 & R2 : Mr.R. Anandharaj
Additional Public Prosecutor

For R3 & R4 : No Appearance

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent to provide adequate police protection to the petitioner based on his representation, dated 30.07.2019.

2. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is carrying out quarrying and crushing of blue metal business under the name and style of Ponvinayaga Hill Stones, a partnership firm. The property to the extent of 4.94.0 hectares and also having quarrying premises from the Government of Tamilnadu. Those lines are follows:

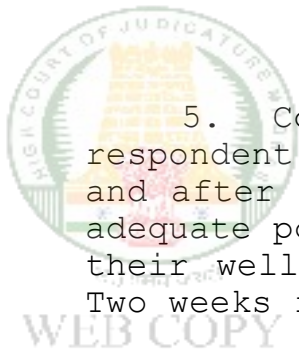


Sl.No.	Survey No.	Total Extent (Hect)
1.	453/1 (Part)	0.92.0
2.	455/A1 (Part)	0.14.0
3.	455/A2 (Part)	0.82.0
4.	455/A3 (Part)	0.64.0
5.	455/B (Part)	0.84.0
6.	456/1 (Part)	0.18.5
7.	456/2 (Part)	0.02.0
8.	456/3	0.14.5
9.	456/4	0.12.5
10.	456/5 (Part)	0.01.5
11.	456/6 (Part)	0.16.0
12.	457/1 (Part)	0.08.0
13.	457/2 (Part)	0.16.0
14.	457/3 (Part)	0.69.0
Total		4.94.0

All the above survey numbers are situate at Karudayampalayam Village, Aravakkurichi Taluk in Karur District. The above said joint agreement was registered as Doc. No.8082 of 2015 dated 22.12.2015 and registered at Sub-Registrar office, Melakarur, Karur District.

3. While being so, the fourth respondent with intention to get unlawful gain from the petitioner and preventing the petitioner from carrying water from the well in survey No.36/1G though the petitioner is entitled to take water from the well and carry along with survey nos.36/1F, 36/1E, 36/1D, 36/1C and 36/1B, the petitioner could not do so because of the constant of obstruction by the respondents-3 & 4. Therefore, the petitioner is unable to carryout his business. As such, he was constrained to lodge a complaint before the second respondent for seeking adequate police protection to carryout his business.

4. The learned Additional Public Prosecutor appearing for the respondent police filed counter and submitted that the petitioner is carrying out quarrying and crushing of blue metal business under the name and style of Ponvinayaga Hill Stones. It is no dispute that the petitioner was taking water through lorry from the well to the quarrying and crushing units. In these circumstances, the respondents-3 & 4 no way connected with the land. The petitioner gave a representation, dated 30.07.2019 is pending.



5. Considering the facts and circumstances, the second respondent is directed to consider the complaint of the petitioner and after conducting enquiry with the respondents-3 & 4 and provide adequate police protection to the petitioner for carrying water from their well to the quarrying and crushing unit, within a period of Two weeks from the date of receipt of copy of the order.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Copy to :

1. The Superintendent of Police,
Karur District.
2. The Inspector of Police,
K. Paramathi Police Station,
Aravakkurichi Taluk, Karur District.

+1 CC to Mr.MA.GOUTHAMAN, Advocate (SR-93311[F] dated 21/10/2019)

Order made in
W.P. (MD) No.21153 of 2019
Dated: 18.10.2019

ksa

MK (04.11.2019) 3P 4C