

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 05.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Writ Petition No.34226 of 2019

M/s.Sri Balamalai Murugan Blue Metals,
Represented by its Managing Partner,
N.Satheesh Kumar
S.F.No.536 Vadapalani Temple
Thennilai East Village
Aravakuruchi Taluk
Karur District, Tamil Nadu

...Petitioner

Vs

1.The Superintendent of Police,
Marapalam Road, Erode,
Erode District.

2.The Inspector of Police,
Kodumudi Police Station,
Rangampalayam,
Erode District.

3.K.M.Velusamy

4.Sampath Kumar

5.Balachandran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to provide adequate police protection to the petitioner based on his representation dated 15.10.2019.

For petitioner : Mr.Prabakaran, Senior Counsel
for Mr.MA.Gouthaman

For Respondents : Mr.Mohammed Riyaz
Addl.PP for R1 & R2

ORDER

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 15.10.2019.

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 M/s.Sri Balamalai Murugan Blue Metals Ltd, a partnership firm. The property to the extent of 4.18.0 and 2.82 hectares and also having quarrying premises from the Government of Tamil Nadu. Those lines are follows:

S.No.	Survey No.	Total Extent (Hect)
1.	538	4.18.0
2.	544/1	2.82.0

All the above survey numbers are situate at Thennilai East village, Aravakuruchi Taluk in Karur District. The above said joint agreement was registered dated 14.07.2017 and registered at Sub-Registrar office, Erode.

3. While being so, the respondents 3, 4 and 5 with intention to get unlawful gain from the petitioner and preventing the petitioner from carrying water from the well in Survey No.569 of 2019, though the petitioner is entitled to take water from the well and carry along with Survey Nos.538 & 544/1, the petitioner could not do so because of the constant of obstruction by the respondents 3, 4 and 5. 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 submitted that the petitioner is carrying out quarrying and crushing of blue metal business under the name and style of M/s.Sri Balamalai Murugan Blue Metals Ltd. 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 and 5 no way connected with the land. The petitioner gave a representation, dated 15.10.2019 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 5 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 this order.

6. With the above directions, this Writ Petition is allowed. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

rpl

To

1.The Superintendent of Police,
Marapalam Road, Erode,
Erode District.

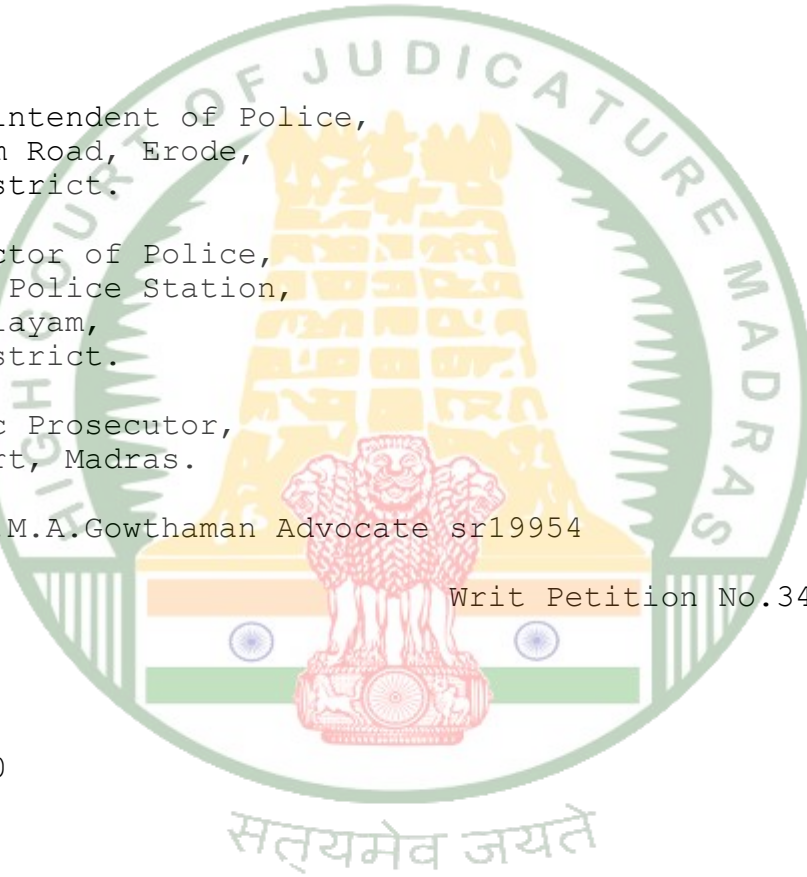
2.The Inspector of Police,
Kodumudi Police Station,
Rangampalayam,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.A.Gowthaman Advocate sr19954

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