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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **29.09.2020**
CORAM:
THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
W.P.[MD]No.13021 of 2020

V.KNR Construction Limited,
Rep by its Authorized Signatory,
Vinay Kumar Reddy,
S/o.Vijayendra Reddy,
S.F.No.158, Puliampatti Post,
Palani Taluk, Dindigul District. ... Petitioner

Vs.

1.The District Collector,
Dinidgul.

2.The Superintendant of Police,
Dindigul.

3.The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.

4.S.Sakthivel ... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to provide police protection to extract soil from Sengulam Tank in S.No.214 in Manjanaikenpatti Village, Oddanchatram Taluk, Dindigul District in view of the order passed by the first respondent in Na.Ka.No.177/2020(Minerals) dated 01.09.2020.

For Petitioner : Mr.N.Mohan
For R-1 to R-3 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The petitioner filed this writ petition praying for issuance of a writ of mandamus to direct the respondents 2 and 3 to provide police protection to extract soil from Sengulam Tank in S.No.214 in Manjanaikenpatti Village, Oddanchatram Taluk, Dindigul District, in view of the order passed by the first respondent in Na.Ka.No.177/2020 (Minerals) dated 01.09.2020.

2.The case of the petitioner is that the petitioner's company was doing a construction work and they are now provided with an

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order by the National Highways Authority for laying the four lane of Madathakulam, Oddanchatram Section of NH-209 (NEW NH-83). The further case of the petitioner is that for completing the above referred project, the petitioner needs huge quantity of soil for which the first respondent herein vide order dated 01.09.2020 in Na.Ka.No.177/2020 (Minerals), permitting the petitioner to extract soil from Sengulam Tank in S.No.214 situates in Manjanaikenpatti Village, Oddanchatram Taluk, Dindigul District. In the said circumstances, when at the time the petitioner extract the soil, the fourth respondent along with one Parthasarathy entered into the spot and disrupted the work which was carried out by the petitioner. Due to the said act, the petitioner suffered huge loss. Therefore, the petitioner lodged a complaint on 17.09.2020 before the second respondent to provide police protection to extract soil from the Sengulam Tank for which no action has been initiated by the second respondent.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

4.Considering the facts and circumstances, it is not in dispute that only upon the order passed by the first respondent in Na.Ka.No.177/2020 (Minerals) the petitioner herein attempted to desilt the tank for which the fourth respondent and others caused disturbance. The first respondent being the Administrative Head for the entire Dindigul District, he is entitled to provide necessary security for completing this order and also he may direct the respondents 2 and 3 to provide adequate police protection.

5.In view of the above, the petitioner is directed to give a separate representation to the first respondent within a period of one week from the date of receipt of a copy of this order and thereupon, the first respondent is directed to consider the representation given by the petitioner within a period of two weeks from the date of receipt of the representation.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Dinidgul.

2.The Superintendant of Police,
Dindigul.

3.The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.

+1 CC to Mr.N. MOHAN, Advocate (SR-18414[F] dated 29/09/2020)

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