



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.15688 of 2020

T.Premkumar

... Petitioner

Vs

1. The District Collector
Tenkasi District
Tenkasi

2. The Assistant Director
Geology and Mining
Tenkasi District
Tenkasi

3. The Deputy Superintendent of Police
Sivagiri Taluk
Tenkasi District

4. The Inspector of Police
Puliangudi Police Station
Sivagiri Taluk
Tenkasi District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 3 & 4 to provide adequate police protection for carrying out quarry operation under the lawful license granted to the petitioner by the second respondent vide proceedings dated 07.09.2020 in Ref.No.Rc.No.M1/36678/2017 comprised in Survey Nos. 430/2, 431/1A, 431/1B, 431/1C, 432/1A, 432/1B, 432/1C and 432/1D & 458/1B at Ariyur Village, Sivagiri Taluk, Tenkasi District.

For Petitioner : Mr.N.Ananthapadmanabhan

For Respondents : Mr.R.Srinivasan
Government Advocate



O R D E R

This Writ Petition has been filed directing the respondents 3 & 4 to provide adequate police protection for carrying out quarry operation under the lawful license granted to the petitioner by the second respondent vide proceedings dated 07.09.2020 in Ref.No.Rc.No.M1/36678/2017 comprised in Survey Nos. 430/2, 431/1A, 431/1B, 431/1C, 432/1A, 432/1B, 432/1C and 432/1D & 458/1B at Ariyur Village, Sivagiri Taluk, Tenkasi District.

2. According to the petitioner, he is the owner of the petition mentioned patta lands. He applied for quarrying lease in respect of the patta lands. Subsequently, the quarry lease was granted by the second respondent. The appropriate authority refused to grant lease in respect of Survey No.458/1B as it is being noted by the authorities that a stream is passing on the southern side of land in Survey No.458/1B within a distance of 50 meters. Thus, the appropriate authority that granted lease has thoroughly scrutinised the entire location and granted lease only in respect of those which fall under the criteria prescribed. The grievance of the petitioner is that the suit in O.S.No.45 of 2015 itself was filed only to claim a share in the property in Survey No.466/3. But, the petitioner had not applied for any quarry licence in respect of that property. As there is a lot of disturbance from the local public who demand huge money, the petitioner unable to carry out the quarry operations under the lease granted to him by the Government. Hence, the petitioner made a complaint to the respondents 3 and 4 against the said group of persons. The inaction on the part of the fourth respondent police, who is under the control of the third respondent has complicated the situation, the petitioner was unable to perform the quarrying operation which has to be completed within the time limit stipulated by the authority. Hence, the present writ petition has been filed to provide adequate police protection for carrying out the quarry operation.

3.The learned Government Advocate appearing for the respondents would submit that if the petitioner gives a fresh representation along with relevant documents, the same will be considered within a period of four weeks.

4.Considering the submission made on either side, the petitioner is permitted to make a fresh representation to the respondents 3 and 4 and on such representation being made, the respondents 3 and 4 are directed to consider same within a period of four weeks from the date of receipt of a copy of this order. If necessary, the respondents 3 and 4 are directed to give police protection to the petitioner. If it is found that police protection is not necessary, based on the petitioner's representation, the representation shall be rejected giving reason and the same shall be communicated to the petitioner so that he can work out his rights in the manner known to law.



5. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

msa

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,
Tenkasi District, Tenkasi
2. The Assistant Director,
Geology and Mining,
Tenkasi District, Tenkasi
3. The Deputy Superintendent of Police
Sivagiri Taluk, Tenkasi District
4. The Inspector of Police
Puliangudi Police Station
Sivagiri Taluk
Tenkasi District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.ANANTHA PADMANABAN, Advocate SR-21559.

W.P (MD) No.15688 of 2020
09.11.2020

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