

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1963 of 2021

R.Indumathy,
W/o.late Rajarajan.

... Petitioner

Vs.

1.The District Collector,
Coimbatore.

2.The Superintendent of Police,
Coimbatore.

3.The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

4.M.Kanagaraj,
S/o.Murugesan.

... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, to issue a direction to the respondents 2 and 3 to provide police protection to the petitioner to peacefully carryout the quarrying operations in S.No.241/1A, Vadaputhur Village, Kinathukadavu Taluk, Coimbatore District in accordance with the license issued to the petitioner by the 1st respondent in order dated 22.01.2019 vide No.Na.Ka.61/Kanimam/2016 for the period from 2019 to 2024 by considering the petitioner's representation dated 31.12.2020.

For Petitioner : Mr.N.Balakrishnan

For RR1 to 3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent Police to provide police protection to the petitioner in order to carryout the quarrying operations in the subject property.

2.The case of the petitioner is that she is the owner of the subject property and she applied for a license to operate the quarry. According to the petitioner, she has been carrying on with the quarrying operations for a long time and the license was extended in the year 2019 by the District Collector, Coimbatore, by proceedings dated 22.01.2019, up to the year 2024.

3.The grievance of the petitioner is that, all of a sudden some persons entered the quarry and started demanding money from the petitioner. When the petitioner refused to concede to the demand, those persons stated threatening the petitioner and are not allowing the petitioner to carry on with the quarrying operations. The petitioner gave a complaint in this regard to the respondent Police on 31.12.2020. Since the same was not acted upon, the present petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.N.Balakrishnan, learned counsel appearing on behalf of the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of the respondents 1 to 3.

5.It is seen from the records that the District Collector, Coimbatore, by proceedings dated 22.01.2019 has granted license to the petitioner to carry on with the quarrying operations in the subject property for the period from 22.01.2019 to 22.01.2024 (5 years). This license has been granted subject to certain conditions. The complaint given by the petitioner to the respondent Police shows that there is some illegal demand for money made by certain persons and they are causing threat to the petitioner and are stopping the petitioner from carrying on with the quarrying operation. The complaint given by the petitioner did not evoke any response.

6.In the considered view of this Court, the petitioner having been given a valid license to carry on with the quarrying operations, no one can stop the petitioner from carrying on with the quarry operations under the threat of extortion and the same can never be encouraged. The third respondent is directed to immediately act upon the complaint made by the petitioner and if there is any threat or resistance from any persons, appropriate action can be taken against them immediately and if required, police protection shall also be given to the petitioner. It is made clear that if the petitioner will have to pay any charges towards police protection, the same shall be paid to the police. The petitioner is directed to make a fresh representation to the third respondent along with a copy of this order.

7.This Writ Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Coimbatore.
- 2.The Superintendent of Police,
Coimbatore.
- 3.The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.MN. BALAKRISHNAN, Advocate, S.R.No.6150

NRL (CO)
SM/24/02/2021



W.P.No.1963 of 2021

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