



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7954 of 2021

and

WMP.No.8507 of 2021

M.Swaminathan

... Petitioner

Vs.

1.The Superintendent of Police,
Palladam Road,
Karuppa Gaundanpalayam,
Tiruppur 641 604.

2.The Inspector of Police,
Uthukuli Police Station,
Uthukuli,
Tiruppur District.

3.P.Balasubramaniam.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 and 2 herein to provide police protection to the petitioner herein to enable the petitioner to commence quarrying operation and carrying away / transport gravel from the land S.F.No.36 Part & 37/1 part measuring an extent of 3.69.22 Hectare of Puthur Palapalayam Village, Uthukuli Taluk, Tiruppur District as permitted by the Deputy Director of Geology and Mining, Tiruppur in proceeding No.Na.Ka.795/2018/Mineral dated 14.09.2020, which came to be confirmed by the District Collector, Tiruppur on the appeal filed by the 3rd respondent herein in proceedings in Na.Ka.No.1463/2020/Minerals dated 19.02.2021.

For Petitioner :Mr.V.P.Sengottuvel

For RR1 & 2 :Mr.C.Raghavan,
Government Advocate



ORDER

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 enable the petitioner to carry on with the quarrying operation, based on the complaint given by the petitioner on 05.03.2021.

2.The case of the petitioner is that he applied for getting environmental clearance and for quarry lease and the Deputy Director of Geology & Mining, Tiruppur, by proceedings dated 28.07.2020, approved the application made by the petitioner. Thereafter, the petitioner was granted permission to carry out quarrying operation by proceedings dated 14.09.2020. The petitioner entered into a lease for a period of three years and the petitioner was granted permission to quarry gravel.

3.The permission granted in favour of the petitioner was questioned by the 3rd respondent and an appeal was filed before the District Collector, Tirupur and the District Collector, by proceedings dated 19.02.2021, rejected the appeal filed by the 3rd respondent.

4.The grievance of the petitioner is that in spite of the permission granted in his favour, the 3rd respondent is causing threat and he is not permitting the petitioner to quarry. The complaint given before the respondent police seeking for police protection was also not acted upon and hence left with no other option, the present writ petition has been filed before this Court.

5.Heard Mr.V.P.Sengottuvel, learned counsel appearing on behalf of the petitioner and Mr.C.Raghavan, learned Government Advocate, appearing on behalf of the respondents 1 and 2.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has obtained necessary permission to conduct the quarry in the subject property and the appeal filed by the 3rd respondent also came to be rejected by the District Collector by proceedings dated 19.02.2021, the 2nd respondent is directed to call the parties for an enquiry and instruct the 3rd respondent not to cause any threat or resist the petitioner from carrying on with the quarrying operation. If, in spite of such instructions, the 3rd respondent causes any threat or interferes with the quarrying operation, action shall be initiated in accordance with law. If required, the 2nd respondent can also provide police protection to enable the petitioner to carry on with the quarrying operation and if any charges are to be paid, the same shall be paid by the petitioner. The petitioner is directed to make a



fresh representation to the 2nd respondent along with a copy of this order.

7. This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Superintendent of Police,
Palladam Road,
Karuppa Gaundanpalayam,
Tiruppur 641 604.

2. The Inspector of Police,
Uthukuli Police Station,
Uthukuli,
Tiruppur District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.V.P.Sengottuvel, Advocate Sr.No. 21139

W.P.No.7954 of 2021

SSN(CO)
RMP(30/04/2021)