

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9128 of 2021

S.Shanmugasundaram

... Petitioner

Versus

1. The District Collector,
Office of the District Collector,
Coimbatore District.
2. The Assistant Director,
Department of Geology and Mining,
Coimbatore.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
4. The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
5. M.Kanagaraj
6. S.Murugaiyan

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to provide police protection to the petitioner to peacefully carry out the quarrying operation in Sr.No.246/1B and 247/2(P) for an extent of 2.66.0 Hectares at Vadaputhur Village, Kinathukadavu Taluk, Coimbatore in accordance with the licence issued to the petitioner by the 2nd respondent in Na.Ka.No.287/Kanimam/2020 dated 26.02.2021 for a period of 5 years from 26.02.2021 to 25.02.2026 by considering the petitioner's complaint in C.S.R.No.52/2021 dated 25.03.2021.

For Petitioner : Mr.A.Edwin Prabakar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 to R4

O R D E R

The Writ Petition has been filed for issuance of Writ of Mandamus directing the third respondent to provide police protection to the petitioner in order to carry out the quarrying operation in the subject property.

2.The case of the petitioner is that he has got quarry licence for quarrying Rough Stones and Gravel Quarry at Sr.No.246/1B and 247/2(P) to an extent of 2.66.0 Hectares at Vadaputhur Village, Kinathukadavu Taluk, Coimbatore from the second respondent vide Na.Ka.No.287/ Kanimam/ 2020 dated 26.02.2021 for a period of 5 years from 26.02.2021 to 25.02.2026. The petitioner has also got environment clearance from the Member Secretary, State Level Environment Impact Assessment Authority on 18.02.2021 for the subject property.

3. The grievance of the petitioner is that after obtaining prior permission, the petitioner has been carrying on with the quarrying operations, but, the respondents 5 and 6 stopped his lorry and demanding money from driver of lorry. When the petitioner refused to concede to their demand, those persons started threatening him and also not allowing him to carry on with the quarry operations. Hence, the petitioner gave a complaint to the third respondent police on 25.03.2021 to take action against the respondents 5 and 6, but, the same has not been acted upon. Hence, the present petition has been filed before this Court seeking for appropriate directions.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

5.It is seen from the records and also from the photographs annexed in the typed set of papers that some persons by parking two wheeler in front of the lorry, which was carrying on stones, threatened the

lorry driver. Thereafter, the petitioner lodged the complaint against the respondents 5 and 6 before the respondent police and the same was assigned with C.S.R.No.52 of 2021. Further, the 5th respondent herein had caused similar obstructions to the nearby quarry owner, for which the said quarry owner filed W.P.No.10693 of 2021 and this Court, by order dated 04.02.2021, passed the following order, which reads as follows :

'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.''

6.This Court is of the considered opinion that in similar case in W.P.No.10693 of 2021 dated 04.02.2021, this Court has already disposed of the writ petition with certain directions. In fine, the present writ petition is also disposed of on the same terms as mentioned in W.P.No.10693 of 2021. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms
To

- 1.The District Collector,
Office of the District Collector,
Coimbatore District.
- 2.The Assistant Director,
Department of Geology and Mining,
Coimbatore.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District.
- 4.The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

5.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Edvin Prabakar, Advocate Sr.No. 23341

W.P.No.9128 of 2021

SSD(CO)
RMP(19/04/2021)