



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.15917 of 2021

B.Gokulnath

...Petitioner

Versus

- 1.The District Collector,
Salem District.
- 2.The Assistant Director,
Department of Geology and Mining,
Salem.
- 3.The Commissioner of Police,
Salem.
- 4.Inspector of Police,
Ammamet Police Station,
Salem.
- 5.C.Settu
- 6.P.Murugan
- 7.P.Velavan
- 8.P.Palaniappan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 3 and 4 to provide police protection to the petitioner to carry out the quarrying operations in S.F. No.241/14 (part) Masinaickenpatty Village, Valapadi Taluk, Salem District in accordance with the lease deed executed by the second respondent on behalf Government of Tamil Nadu dated 29.12.2020 for the period from 29.12.2020 to 28.12.2030 by considering the petitioner's representation dated 07.07.2021.

For Petitioner : Mr. M.Mohamed Riyaz

For Respondent : Mr. A.Damodaran
Counsel for Govt.of Tamil Nadu
(Crl. Side)



ORDER

This Writ Petition has been filed for issuance of writ of mandamus directing the respondents 3 and 4 to provide police protection to the petitioner to carry out the quarrying operations in S.F. No.241/14 (part) Masinaickenpatty Village, Valapadi Taluk, Salem District in accordance with the lease deed executed by the second respondent on behalf Government of Tamil Nadu dated 29.12.2020 for the period from 29.12.2020 to 28.12.2030 by considering the petitioner's representation dated 07.07.2021.

2. The petitioner is a tenderer who was granted mining lease by the Government for engaging quarrying works at Masinaickenpatty Village, Valapady, Salem, in SF.No.241/14 (Part) over an extent of 1.00.0 Hectare of Government Poramboke lands. As per Rule 8 (1) (a) of Tamil Nadu Minor Mineral Concession Rules, 1959, the Assistant Geologist / Assistant Director, Department of Geology and Mining, Salem, issued orders to the petitioner. The petitioner was directed to pay a sum of Rs.28,00,000/- as lease amount and in that order, the approval of mining was granted with certain conditions. One among the condition is to obtain Environmental Clearance from the competent authority. The petitioner had satisfied all the conditions and also obtained Environmental Clearance from the State Level Environment Impact Assessment Authority, Tamil Nadu by order dated 05.11.2020. Thereafter the mining lease was granted to the petitioner for a period of ten years starting from 29.12.2020. Further in the lease deed executed by the authorities, the procedure to be followed is clearly enlisted. The petitioner, following the same, commences mining operations.

3. The petitioner submits that during the lease period, the private respondents herein are obstructing the mining activities for various reasons. He further states that he has sent a representation to the authorities concerned including the respondent police on 07.07.2021, seeking police protection. It is the grievance of the petitioner that though representation was given by him, no action has been taken. He further submitted that this Court in W.P. No.1963 of 2021 and W.P. No.9128 of 2021 has passed orders giving protection to the petitioner from the private respondents and others who obstructs the mining operations. The petitioner contends that the Government has approved the lease and lease deed had been entered between the Government Officials and the petitioner and hence the private respondents has no locus to raise any objection and obstruct mining works. Hence the present writ petition is filed seeking police protection.

4. Heard M.Mohamed Riyaz, learned counsel for the petitioner



and Mr. A.Damodaran, learned counsel appearing for the Government of Tamil Nadu.

5. It is seen from the records that the second respondent by proceedings dated 29.12.2020 has granted license to the petitioner to carry on with the quarrying operations in the subject property for the period for a period of ten years (i.e. from 29.12.2020 to 28.12.2030). 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 granted valid license to carry on with the quarrying operations, private persons cannot stop the petitioner from carrying on with the quarry operations under the threat of extortion and the same can never be encouraged. The fourth 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 can be given to the petitioner. It is made clear that the petitioner to pay charges towards police protection, the same shall be paid to the police. The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Collector,
Salem District.
2. The Assistant Director,
Department of Geology and Mining,
Salem.



3. The Commissioner of Police,
Salem.

4. The Inspector of Police,
Ammamet Police Station,
Salem.

5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Mohamed Riyaz, Advocate, S.R.No.38175

W.P.No.15917 of 2021

SS (CO)
RGA (25/08/2021)