



W.P.(MD).No.12262 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.12262 of 2022

K.Suppaiah

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Pudukottai District.
- 2.The Assistant Director of Mines,
Pudukottai District.
- 3.The Superintendent of Police,
Pudukottai District.
- 4.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
- 5.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

6.S.Gnanamuthu @ Vasu

...Respondents

(R-6 is impleaded vide Court order dated 22.06.2022 in W.M.P.(MD).No.8983 of 2022 in W.P.(MD).No.12262 of 2022)



W.P.(MD).No.12262 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 2 to ensure the rough stone quarrying operation in Survey No.35/2, Meyyapuram Village, Thirumayam Taluk, pursuant to the order in Rc.No.397/200(G&M) dated 25.01.2022 without hindrance from any manner and issue permit.

For Petitioner : Mr.M.Rajarajan
For R-1 to R-5 : Mr.P.Thilak Kumar,
Government Pleader.
For R-6 : Mr.A.Arun Prasad

ORDER

Heard the learned counsel on either side.

2. The petitioner is having license to conduct the petition mentioned quarry operations. His grievance is that he is being prevented by the local villagers from carrying on his quarry operations. I had directed the petitioner to implead at least one villager in a representative capacity.

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the villagers/the sixth respondent submitted that the petitioner is carrying on his quarrying operations in a manner that will gravely endanger ecology. He produced photographs to show that the channel has also been

blocked.

<https://www.mhc.tn.gov.in/judis>



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4. Be that as it may, the villagers, while having the right to engage themselves in a democratic protest, cannot take the law into their hands. India cannot be allowed to become another Sri Lanka. If the villagers are of the view that the petitioner has violated the terms and conditions of the license, nothing stops them from moving the authorities concerned or even the Court of law. So long as the petitioner's quarrying license is holding good, it is the duty of the authorities to ensure that the petitioner is able to carry on his business without any let or hindrance. Right to carry on business is a fundamental right guaranteed under Article 19(1)(g) of the Constitution of India. Therefore, it is the duty of the respondents 1 to 5 to ensure that this right is not interfered with in any manner.

5. With this direction to the respondents 1 to 5, this Writ Petition is allowed. This order will hold good only so long as the petitioner is enjoying the quarry license. There shall be no order as to costs.

15.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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G.R.SWAMINATHAN, J.

Lm

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