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W.P.(MD)NO.16457 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16457 of 2022 and
W.M.P.(MD)No.11888 of 2022

R.Kumar,
S/o.Ramanujam,
Managing Director,
Aravind Ceramic Industries Ltd.,
354/2, Porur,
Chennai – 116.

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.
 2. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
 3. The Tahsildar,
Papanasam,
Saliyamangalam Village,
Thanjavur District.
 4. Kavidasan,
Union Secretary,
Tamil Nadu Valvu Urimai Katchi,
Saliyamangalam,
Thanjavur.
 5. The Superintendent of Police,
Thanjavur District.
(R-5 is *suo motu* impleaded vide Order dated 17.08.2022)
- ... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to give proper protection to set up manufacturing unit of clay / ceramic tiles at Survey Nos.92, 93, 94, 95, 96, 97, 98, 471/5, 462/1B, 462/4, 462/5 and 462/7 which extends about 32.17 acres of nanja land situated at Saliyamangalam Village, Ammapettai, Thanjavur District vide proceedings of the first respondent in Na.Ka.No.2855/2022/A9 dated 11.06.2022.

For Petitioner : Mr.Sricharan Rangarajan,
for Mr.D.Saravanan.

For R-1 to R-3
& R-5 : Mr.M.Sarangan,
Additional Government Pleader.

For R-4 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 & 5.

2. Even though the fourth respondent has been served and his name is also printed in the cause list, he has not chosen to enter appearance.



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3. The writ petitioner is running a clay based ceramic unit, at Saliyamangalam Village, Ammapettai, Thanjavur. A group of villagers had been protesting against the running of the said unit. According to him, the unit has come up on the agricultural lands and is prohibited by law. In this regard, a peace committee meeting was convened on 16.07.2022 by the jurisdictional revenue authority. The minutes of the peace committee meeting indicates that it was decided to close down the unit till 22.07.2022. The learned counsel appearing for the writ petitioner states that even as on date, the petitioner is unable to open the unit.

4. When the petitioner had been granted permission by the competent authorities to run the unit, if the local villagers are aggrieved by the same, their remedy is to take recourse to due process of law. They cannot be permitted to take law into their own hands. The petitioner's fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India are involved. If the petitioner faces interference at the hands of third parties, henceforth, he shall be at liberty to lodge a complaint before the jurisdictional police.



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5. The jurisdictional police are mandated to take effective action in accordance with law on the petitioner's complaint. I further clarify that the decision taken in the peace committee meeting is bereft of statutory value or force. No statutory authority will be entitled to give effect to the decision taken in the said meeting. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

17.08.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
3. The Tahsildar,
Papanasam,
Saliyamangalam Village,
Thanjavur District.
4. The Superintendent of Police,
Thanjavur District.



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G.R.SWAMINATHAN,J.

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