



W.P.No.2118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.2118 of 2023

and

W.M.P.Nos.2203 & 2204 of 2023

R.Suresh Kumar

... Petitioner

Vs.

- 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.E.Santhalingam

... Respondents



W.P.No.2118 of 2023

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the 3rd and 4th respondents to provide police protection to the petitioner to peacefully carryout the quarrying operations at the petitioner property to an extent of 0.62.50 hectares in Survey Nos.114/5B and 0.19.25 hectares in Survey No.114/6B in total 0.81.75 hectares in Kinathukadavu Taluk, Pottaiyandipurambu Village in Coimbatore District in accordance with the license issued to the petitioner by the 2nd respondent in Na.Ka.No.164/Mines/2019 dated 05.07.2022 for a period of 5 years until 04.07.2027 by considering the complaint of the petitioner to the 4th respondent in CSR No.21 of 2023 dated 18.01.2023.

For Petitioner : M/s.K.M.Vijaya Associates
For R1 to R4 : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Writ Petition has been filed to direct the respondents 3 and 4 to provide police protection to the petitioner to peacefully carryout the quarrying operations at the petitioner's property to an extent of 0.62.50 hectares in Survey No.114/5B and 0.19.25 hectares in Survey No.114/6B, in total 0.81.75 hectares, in Kinathukadavu Taluk, Pottaiyandipurambu Village in Coimbatore District in accordance with the license issued to the petitioner by



W.P.No.2118 of 2023

WEB COPY

the 2nd respondent in Na.Ka.No.164/Mines/2019 dated 05.07.2022 for a period of 5 years until 04.07.2027 by considering the petitioner's complaint given to the 4th respondent in CSR No.21 of 2023 dated 18.01.2023.

2.The learned counsel for the petitioner submitted that the petitioner was granted quarrying license in Survey No.114/5B for an extent of 0.62.50 hectares and Survey No.114/6B for an extent of 0.19.25 hectares in Kinathukadavu Taluk, Pottaiyandipurambu Village in Coimbatore District for a period of five years from 05.07.2022 to 04.07.2027 by the proceedings of the Assistant Director, Department of Geology and Mining, Coimbatore in Na.Ka.No.164/Mines/2019 dated 05.07.2022. Conditions for quarrying is given in Appendix IV. The Tamil Nadu Pollution Control Board has also given a Consent Order No.2205146318585 dated 26.07.2022 for quarrying purpose.

3.Further, he submitted that the petitioner is legally permitted to quarry and when he was taking steps to quarry, the fifth respondent with his



W.P.No.2118 of 2023

WEB COPY

henchmen was preventing the quarrying. He along with henchmen prevented the lorry from taking the gravel sand and in fact, he was demanding mamool. In this regard, a complaint was given and CSR enquiry in C.S.R.No.21 of 2023 is pending. In the said circumstances, this petition is filed by the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 4 submitted that on the basis of the complaint given by the petitioner, CSR enquiry is pending in C.S.R.No.21 of 2023.

5.From the submissions of the learned counsel for the petitioner and consideration of the materials available on record, it is seen that the petitioner was given a valid license/permission for quarrying in the aforesaid lands for a period of five years from 05.07.2022 to 04.07.2027. It is not known, how the fifth respondent is preventing the petitioner from carrying out the quarrying business and demanding mamool.



W.P.No.2118 of 2023

WEB COPY

6. When the petitioner is legally carrying out his quarrying business, it is directed that the respondents 1 to 4 should give appropriate police protection to the petitioner to peacefully carry out the quarrying operations as per the order of the Assistant Director, Department of Geology and Mining, Coimbatore vide proceedings dated 05.07.2022.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

27.01.2023

Internet : Yes / No

Index : Yes / No

Neutral Citation Case : Yes/No

sp

To

1. The District Collector,
Office of the District Collector,
Coimbatore District.
2. The Assistant Director,
Department of Geology and Mining,
Coimbatore.

5/6



WEB COPY



W.P.No.2118 of 2023

G.CHANDRASEKHARAN,J.

sp

- 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,
Madras High Court.

W.P.No.2118 of 2023

27.01.2023