



W.P.(MD)No.24481 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.24481 of 2019

Shahul Hameed

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.

3.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

4.D.Bose
(R4 impleaded vide Court order dated 20.12.2019 in WMP.(MD)
No.23076 of 2019)

5.The Tahsildar,
O/o. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
(R5 is impleaded vide Court order dated 25.01.2022 in MP.(MD)No.
3506 of 2020 in WP.(MD)No.24481 of 2019)



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6.The District Collector,
Ramanathapuram District.

(R6 suo motu impleaded vide Court order dated 21.07.2022 in W.P.
(MD)No.24481 of 2019)

... Respondents

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 to 3 to provide adequate police protection to the petitioner's factory which is running in the name of and style of "Bismi Aquatic Products" situated at Survey No.50/1, 50/2, Machur Village, Thondi, Thiruvadanai Taluk, Ramanathapuram District.

For Petitioner : Mr.G.Prabhu Rajadurai
for M/S.S.M.A.Jinnah

For R1 to R3, R5
& R6 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R4 : Mr.K.R.Laxman

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to provide adequate police protection to the petitioner's factory which is running in the name of and style of "Bismi Aquatic Products" situated at



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Survey No.50/1, 50/2, Machur Village, Thondi, Thiruvadanai Taluk,
Ramanathapuram District.

2.According to the petitioner, he is running factory in the name and style of “Bismi Aquatic Products” situated at Survey No.50/1, 50/2, Machur Village, Thondi, Thiruvadanai Taluk, Ramanathapuram District. Some antisocial elements threatned the petitioner by demanding money and also restrained the labours to go to work and hence, he sent a representation to the respondents 1 to 3. But they have not taken any steps still now.

3.No counter was filed by the respondents

4.The learned counsel appearing for the petitioner would contend that he is running the factory in the above said premises and he is plying lorries from the various place to the factory. At that time, some antisocial elements waylaid the lorries and robbed the belongings of the lorry drivers and thereby, he sent representations dated 22.10.2019 and 01.11.2022. But the respondents have not taken any steps. Hence, the



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petitioner filed the present petition.

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5.The learned counsel appearing for the private respondent would contend that the petitioner is, without following the statutory procedures, running the factory by causing pollution to the air and water. Thereby, the villagers agitated to run the factory. Due to the pollution, some villagers got some diseases and therefore, they agitated to run the factory. So far, they have not committed any unlawful activities as against the factory and only they agitated in accordance with law. Thereafter, peace committee meeting was also convened. In the peace committee meeting, a decision was taken not to ply the lorry from 06.00 pm., to 06.00 am. In order to get over that peace committee resolution, the petitioner attempted to get an order from this Court by seeking police protection. Hence, this petition is liable to be dismissed.

6.The learned Additional Public Prosecutor appearing for the official respondents would contend that no petition was received from the petitioner and already peace committee meeting was conducted between the villagers and the petitioner's company. In the said meeting, some resolution was passed and the petitioner also participated in the



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said meeting. Now, in order to over come the said resolution, they are seeking police protection. Hence, this petition is liable to be dismissed.

He further added that for the past three years no complaint was received as against the villagers and thereby, police protection is not required at this stage.

7.Heard the parties and perused the materials available in the records.

8.On perusal of records shows that the petitioner has sent representation before the official respondents to provide adequate police protection for the petitioner's factory. Both parties admitted that peace committee meeting was conducted and some resolution was also passed. The learned counsel appearing for the petitioner would contend that in the peace committee meeting, a decision was taken that the petitioner has to ply the vehicles for a particular time and it is affecting the factory rights and further, while plying the lorries, some antisocial elements waylaid the lorry and robbed the belongings.



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9. Since peace committee meeting was taken place and both parties also participated in the meeting, they have to abide by the order passed by the peace committee meeting. If any party aggrieved by the decision taken by the peace committee meeting, they can very well agitate the same in accordance with law.

10. However, if any untoward incidents happened, the official respondents have to take action in accordance with law. On careful perusal of the representation dated 22.10.2019 reveals that some allegations made as against somebody and no specific allegations, by mentioning specific date and thereby, it is not appropriate to order for police protection. If any threats made by anybody to the petitioner, he can very well approach the official respondents and the official respondents shall take necessary action in accordance with law.

11. With the above observations and directions, this writ petition is disposed of. No costs.

17.08.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruvadanai Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 4.The Tahsildar,
O/o. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 5.The District Collector,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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P. DHANABAL,J.

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