



W.P(MD). No.9469 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) No.9469 of 2023

M.s.Star Blue Metals
Jeyankondannilai Village,
Singampunari Taluk,
Sivagangai District.

... Petitioner

Vs.

1. The District Collector,
Collectorate Campus,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Singampunari Taluk,
Sivagangai District.
4. The Superintendent of Police,
Sivagangai,
Sivagangai District.
5. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.



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6. Ramamoorthi

7. Vasan

8. Muniyandi @ Pooja Raja

(R-6 to 8 are suo motu impleaded, vide Court order dated 07.11.2024 in WMP(MD)No.15076 of 2023 in W.P.(MD)No.9469 of 2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the fourth respondent to provide adequate police protection for running Star Blur Metal crusher unit in the petitioner's leased private land situated at Mallakottai Village, Singampunari Taluk, Sivagangai District from the unlawful anti-social elements with different political colours and by considering the petitioner's representation dated 12.04.2023 within the period that may be stipulated by this Court and may deem fit and proper in the circumstances of the case.

For Petitioner	:	Mr.M.Pandiarajan
For R1 to R5	:	Mr.B.Thanga Aravindh Government Advocate (crl. Side)
For R6 to R8	:	Mr. D.Rameshkumar



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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the fourth respondent to provide police protection in order to enable the petitioner to run the crusher unit in his private land by considering the representation made by the petitioner on 12.04.2023.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The specific case of the petitioner is that they are running a crusher unit in the subject property after obtaining necessary permission from the concerned authorities. In spite of the same, they are threatened and prevented from running the crusher unit by some anti-social elements. The complaint given in this regard did not evoke any response. Under these circumstances, the present writ petition came to be filed before this Court.

4. The learned Counsel appearing on behalf of the impleaded



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respondents No.6 to 8 submitted that only for the portion of the property, permission has been given to run the crusher unit and whereas, the crusher unit has been running even in the portion of the property for which no permission has been granted. That apart, running of the crusher unit is causing nuisance to the adjacent land owners and the agriculturists.

5. The learned Government Advocate (Crl. Side) on instruction would submit that the crusher unit is running from the year 2000 based on the permission given by the concerned authorities.

6. Taking into consideration the facts and circumstances of the case, if the petitioner is running the crusher unit after obtaining proper permission, the same cannot be stopped by any one. If any person is aggrieved by the permission granted for running the crusher unit, the same has to be put to challenge. Instead, the person who has been given permission cannot be prevented from running the crusher unit. The same shall be kept in mind by all the parties concerned. If ultimately, the crusher unit is running by obtaining proper permission and the same is



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attempted to be prevented, the respondent police shall give necessary protection to ensure that no law and order problem is created. This direction will not come in the way of the aggrieved persons to challenge the permission granted in favour of the petitioner.

7. In view of the above, this Writ Petition is disposed of. No costs.

07.11.2024

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

jbr



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5. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

jbr

Order made in
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