



W.P.(MD) No.13863 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13863 of 2023
and
W.M.P.(MD) Nos.11705 & 11706 of 2023**

K.Pandi

... Petitioner

-VS-

1. The District Collector,
Virudhunagar, Virudhunagar District.
2. The Proprietor,
M/s.IVLR Infrastructure,
No.3/1, Ashok Nagar 4th Street,
Palamedu Main Road,
Madurai District.
3. The Assistant Director,
Geology and Mining Department,
Virudhunagar.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned



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Executive Order in KV/3/185/2023 dated 03.04.2023 passed by the 1st respondent as illegal and quash the same and consequentially directing the 1st respondent to consider the petitioners representation dated 15.05.2023 within time frame fixed by this Honble Court .

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.R.Raghavendran
Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Raghavendran, learned Government Advocate takes notice for the respondents.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The grant of permission of quarrying of gravel for the purposes of laying a bypass road connecting Aruppukottai and Srivilliputhur Parthibanur road is challenged by the petitioner on the ground that quarrying has been permitted in



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a drinking water tank. The District Collector in his order impunged in the writ petition had stated that the deep borewells that were already exists should not be disturbed while forming the road for the purposes of transporting the quarried gravel. The prohibition contained under Rule 7 of the Tamil Nadu Minor Mineral Concession Rules, 1959, will apply only in case of quarrying on the bunds of drinking water tank and inside drinking water tanks. There is nothing to show that the water in the kanmoi, in which quarrying has been permitted, is a drinking water tank. Merely because deep borewells are laid inside or near the kanmoi, the same cannot be treated as a drinking water tank. Hence, we do not see any reason to entertain this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

14.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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