

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14245 of 2015

B.Krishnaraj ... Petitioner

-vs-

1.The District Collector
Cuddalore District, Cuddalore.

2.The Assistant Engineer / Executive
Engineer (Water Resources Dept.,)
Irrigation Dept., Cuddalore.

3.The Tahsildar,
Panruti Taluk, Panruti,
Cuddalore District.

4.D.Ezhil Kumar ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 4th respondent from quarrying sand in middle of Then Pennai river by violating the rules and conditions under Mines and Minerals Act.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.S.T.S.Moorthy
Govt. Pleader for RR 1 to 3
: No appearance for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

On reading the petition, there are three specific allegations which were required to be looked into:

- a) Quarrying is going on in the middle of Thenpannai river;
- b) The 4th respondent is using 15 Hitachi JCB to load sand in the middle of the river, while the authorised user is permitted only for two machines ; and
- c) There is depth violation, contrary to the permission granted.

2.The first respondent has, in general, denied the allegations that the averments in the affidavit are not correct. However, on perusal of the photographs supporting the petition, there appears to be a problem, but then, verification has to be done at site.

3.We, thus, consider it appropriate to direct the Commissioner of Geology and Mining Department to depute an appropriate senior officer to carry out inspection and submit a report to this Court.

4.Writ Petition, accordingly, stands disposed of. No costs.

5.List for compliance on 28.08.2015 to await the report.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector
Cuddalore District, Cuddalore.

2.The Assistant Engineer / Executive
Engineer (Water Resources Dept.,)
Irrigation Dept., Cuddalore.

3.The Tahsildar,
Panruti Taluk, Panruti,
Cuddalore District.

1 cc to Mr.R. Thirumoorthy, Advocate, Sr. 38220

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