

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.4266 of 2015

R.Mudikondaan

.. Petitioner

vs

- 1.The District Collector,
Cuddalore District,
Office of the District Collector,
Beach Road, Cuddalore.
- 2.The Executive Engineer,
PWD, WRD, Vellaru River Basin Division,
Virudhachalam.
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy, Chennai.
(R-3 impleaded as per order dated
19.02.2015 in WP.)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in impugned order passed by the 1st respondent in his proceedings Na.Ka.No.166/Pu.Ma.Su/2013 dated 03.03.2014 and quash the same and consequently direct the 2nd respondent to stop the sand quarrying operations comprised in S.No.174, Vellaru River bed an extent of 10.65.28 Hectare out of the total extent of 25.55.5 Hectare in Mudikandanallore Village Kattumannar Koil Taluk, Cuddalore District.

For Petitioner .. Dr.D.Simon

For Respondents... Mr.S.T.S.Moorthy

Govt. Pleader for RR 1 and 2

.. Mrs.Rita Chandrasekaran for R-3

* * * * *

O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

The rejoinder filed by the petitioner is taken on record.

2.The counter-affidavit filed by the District Collector explains the position, in terms whereof, necessary permissions have been obtained and the quarrying is not beyond the permissible limits. Not only that, as per the averment contained in para 18 of the counter-affidavit, a meeting was held on 27.01.2015 under the Chairmanship of the Sub Collector, Chidambaram, in presence of various authorities and it was informed that permission had been granted to quarry sand without affecting the level of river bed. It has been categorically averred that quarrying is not done in excess of permitted depth and quantity.

3.It appears from the averments in the counter-affidavit that there is a dispute between two groups of people, who are residents of the area and the petitioner himself is a former President of the Village Panchayat.

4.In view of the aforesaid, we are not inclined to maintain the P.I.L. any further, but direct the respondents to ensure that no sand quarrying beyond the permissible limits and contrary to the licence take place and this aspect will be monitored by the concerned respondent authorities.

5.Writ Petition is, accordingly, closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The District Collector,
Cuddalore District,
Office of the District Collector,
Beach Road, Cuddalore.
- 2.The Executive Engineer,
PWD, WRD, Vellaru River Basin Division,
Virudhachalam.

3.The Chairman,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy, Chennai.

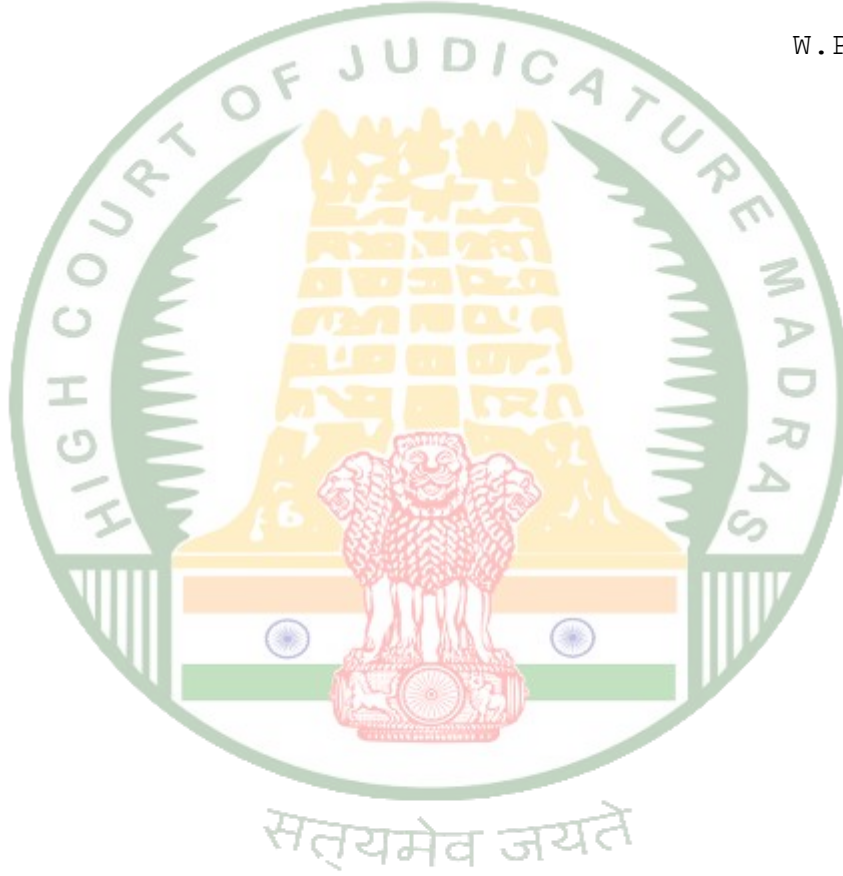
+1 cc to M/s.D.Simon, Advocate,SR.25863

+1 cc to M/s.Rita Chandrasekaran, Advocate,SR.25780

+1 cc to the Government Pleader,SR.25768.

MP(co)
krd 8/6

W.P.No.4266 of 2015



WEB COPY