

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

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

W.P.No.7184 of 2015
and
M.P.Nos.1 and 2 of 2015

K.Kumar

... Petitioner

-vs-

1. The Secretary,
Ministry of Environment Affairs,
Indira Paryavaran Bhavan,
Jor Bagh Road,
New Delhi-110 003.
2. The Member Secretary,
State Level Environment Impact
Assessment Authority,
No.1, Jennis Road, 3rd Floor,
Panagal Maaligai,
Saidapet, Chennai-15.
3. The Secretary,
Public Works Department,
Fort St. George,
Chennai-9.
4. The Chief Engineer,
Public Works Department/
Water Resources Organisation,
Chepauk, Chennai-5.
5. E.Anbarasu,
Executive Engineer,
Public Works Department/
Water Resources Organisation,
Upper Palar Basin Division,
Vellore-632 006.

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6. The Director of Geology and Mining,
Guindy, Chennai-32.
7. V.Rajaram,
Assistant Director,
Geology and Mining,
Vellore District.
8. The Commissioner,
Commercial Tax Department,
Ezhilagam, Chennai-5.
9. The Assistant Commissioner,
Commercial Tax Department,
Ranipet, Wallajah Taluk,
Vellore District.
10. The Inspector of Police,
Wallajah, Vellore District.
11. R.Nandagopal, IAS,
District Collector,
Vellore District.
12. The Revenue Divisional Officer,
Wallajah, Vellore District.
13. The Tahsildar,
Wallajah, Vellore District.
14. The Revenue Inspector,
Wallajah, Vellore District.
15. The Village Administrative Officer,
Wallajah, Vellore District.

... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to file a detail statistical report before this Court with present situation of river sand mining in the State in pursuant to the representation dated 21.12.2014 and 12.02.2015 made by the petitioner for appropriate action against the river sand miners functioning in the State and their transactions by the 8th and 9th respondents as per Value Added Tax Act, 2006.

For Petitioner : M/s.T.Sundaravadanam

For Respondents : Mr.STS.Moorthy
Govt. Pleader for R1 to R15

ORDER

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

The petitioner is aggrieved by the alleged unauthorised river sand mining by the Public Works Department.

2. On 13.03.2015, this Court issued direction to the Government Pleader to obtain instructions with further direction to respondent No.11/District Collector, Vellore to make an inspection and file a report before this Court.

3. The District Collector, Vellore has filed his report in terms thereof. He has stated that he inspected the entire stretch of sand quarry permission granted area in Vannivedu village, Walajah Taluk in Vellore District in the presence of the parties, including the petitioner. The Taluk Level Task Force Committee headed by the Tahsildar, Walajah has also inspected the site earlier on 27.02.2015 and the observations made therein having been verified by the District Collector. It has been categorically stated in paragraph 27 of the report that the quarrying operation has been commenced only on 27.02.2015 by manual method and no machineries are involved in the sand quarrying activities. 2772 Units of sand are stated to have been quarried and sold from the above said area by the Public Works Department authorities up to 27.03.2015.

4. The learned counsel for the petitioner still expressed a grievance that the mining activities beyond the ear-marked area is being carried out. Qua this issue, an averment is made in paragraph 28 of the report that strict instructions have been issued to the Public Works Department to restrict the sand quarry operation only within the permitted area by following all the conditions correctly. Thus, that aspect has also been taken care of.

5. We, thus, dispose of the writ petition with a direction to the respondents to strictly adhere to the affirmation made in paragraphs 27 and 28 of the report filed by the District Collector, Vellore in future. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi-110 003.
2. The Member Secretary,
State Level Environment Impact Assessment Authority,
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Panagal Maaligai, Saidapet, Chennai-15.
3. The Secretary,
Public Works Department,
Fort St. George, Chennai-9.
4. The Chief Engineer,
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5. E.Anbarasu, Executive Engineer,
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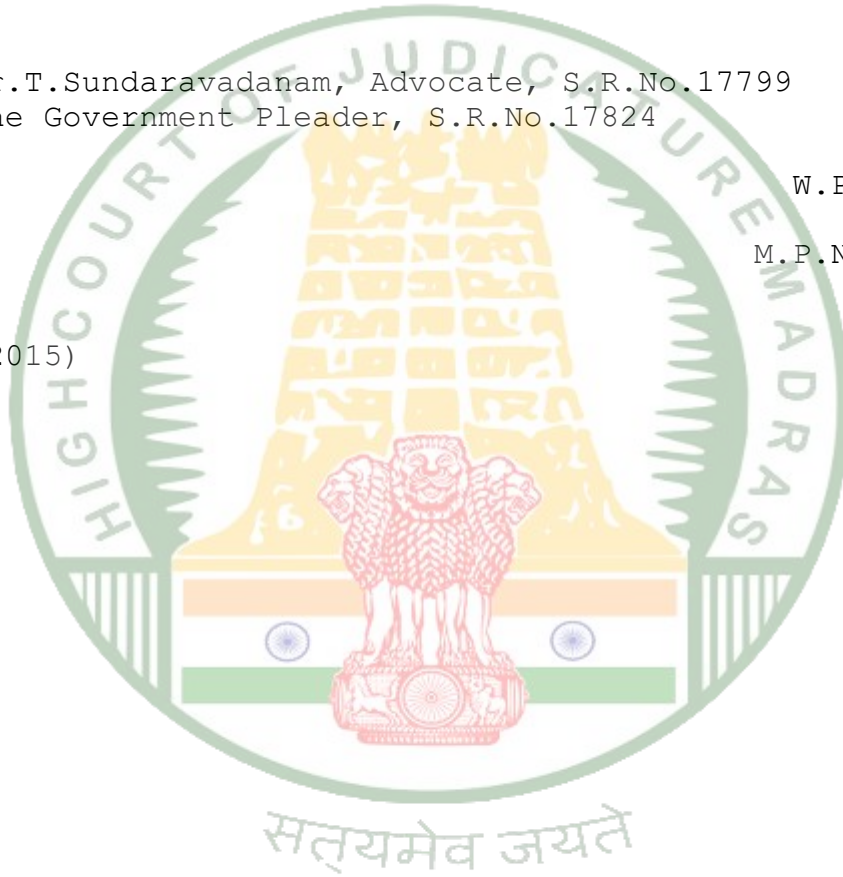
14.The Revenue Inspector,
Wallajah, Vellore District.

15.The Village Administrative Officer,
Wallajah, Vellore District.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.17799
+1cc to the Government Pleader, S.R.No.17824

W.P.No.7184 of 2015
and
M.P.Nos.1 & 2 of 2015

SV(CO)
CA(10/04/2015)



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