

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.06.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.8788 of 2015

T.Palanivel

... Petitioner

Versus

1.The Director of Geology and Mining
Department of Geology and Mining
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

2.The District Collector
Perambalur District
Perambur.

3.The Deputy Director
Department of Geology and Mining
Perambalur District, Perambalur District,
Perambalur.

4.The District Environment Engineer
Tamil Nadu Pollution Control Board,
Ariyalur, Office at No.25,
SIDCO Industrial Unit,
Thuvakudi, Trichy 15.

5.The Executive Officer,
Kavulpalayam Panchayat
Perambalur Taluk,
Perambalur District.

6. M/s.Swetha Industries,
represented by its Proprietor S.Devandran
No.25, I A S Nagar,
Thiruvarambur, Trichy 620 013.

.. Respondents.

Petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of mandamus, directing the
respondents 1 to 5 to initiate statutory action against the 6th
respondent herein for illegal quarry operation without following the

procedure established by law as well as for carrying unlicensed activities in the quarry site in S.No.280/13A, Block-2, measuring 1.00.0 hectares, Kavulpalayam, Perambalur Taluk, Perambalur District, in accordance with law within the stipulated time.

For Petitioner ::: No appearance

For Respondents::: Mr.S.T.S.Murthy
Government Pleader for R.1 to R.3
Ms. Rita Chandrasekaran
for R.4
Mr.Pitty Parthasarathy
for R6

O R D E R

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

The petitioner has filed the present Public Interest Litigation alleging illegal quarrying by the 6th respondent. It is the say of the petitioner that he detected the same on his visit to the residence of his brother located in the same area. The petitioner claims to be engaged in construction business.

2. The counter affidavit of the second respondent / District Collector states that Stone quarrying license was issued after a public tender in the year 2006. There are stated to be no violations by the 6th respondent. A complaint was, however received from the petitioner on 10.03.2015, seeking statutory action and based on the complaint, an inspection was carried out. On the basis of the inspection, certain action was contemplated, at which time, the petitioner approached this Court by filing the present writ petition, though in respect of the violations that have been found during the inspection, action is already stated to have been taken.

3. Learned counsel for the 6th respondent states that there has been a past history of dispute between the petitioner and the 6th respondent as the petitioner was engaged by the 6th respondent at the quarry on contractual basis for supply of manpower. Some financial disputes arose which resulted in a police complaint by the petitioner. The amount which was found due was settled with the petitioner, who acknowledged the receipt on 29.10.2013. It is thus alleged that out of past animosity, the petitioner has sought to rake up the issue in question.

4. None appears for the petitioner. It appears that the petitioner has not put forth the complete facts before this Court qua the past dealing between the petitioner and the 6th respondent. This alone disentitles the petitioner to any relief. That apart, the authorities concerned have already taken action to the extent of the violations made by the 6th respondent.

5. In view of the aforesaid, no directions are required. The writ petition accordingly stands dismissed. No costs.

6. We make it clear that dismissal of this petition will not imply that the respondents/authorities are in any manner restrained from taking action against the 6th respondent, if violations are found.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr
Copy to:

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Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

2.The District Collector
Perambalur District, Perambur.

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Thuvakudi, Trichy 15.

5.The Executive Officer,
5. The Executive Officer,
Kavulpalayam Panchayat
Perambalur Taluk,
Perambalur District.

+1cc to Mr.Pitty Parthasarathy, Advocate, S.R.No.26918
+1cc to Mr.M/s. Rita Chandrasekar, Advocate, S.R.No.27310
+1cc to the Government Pleader, S.R.No.26381

KM(CO)
EU(17/06/2015)

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