



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.13986 of 2015

M.Rajendran

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy district, Trichy - 1.

2.The District Collector,
Collectorate,
Karur District, Karur.

3.The Executive Engineer,
P.W.D. RC Division, Trichy - 1.

4.M.Viswanathan

5.G.Kumarappan

6.K.Govindharaj

7.S.Senthilkumar

8.D.Veerappan

(RR - 4 to 8 impleaded vide
order dated 12.10.2015

in MP (MD) .No.2/2015)

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus (i)to cancel the proceedings of 1st and 2nd respondents if any; to run the stockyard at Thirukampuliyur, Chinthalavadi of Krishanarayapuram Taluk, Vadhiyam, Rajendram of Kulithalai Taluk and Kondayampettai of Srirangam Taluk. ii) to direct the respondents 1 to 3 to take appropriate action against persons from selling river sand by setting up stockyard by violating the Tamil Nadu Minor Mineral concession Rules, 1959 and the Tamil Nadu Prevention of Illegal Mining, Transportation and storage of Minerals and Mineral Dealers Rules, 2011 and (iii) to order for an investigation by an external agency to probe the illegalities, irregularities involved in these stockyards with the assistance of experts who are capable of analysing the remotely sensed data collected from the authorised satellite remote sensing centre to arrive the distance between the stockyard and the river bank and file a detailed report.



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For Petitioner

: Mr.M.Rajendran

Party-in-person

For RR - 1 to 3

: Mr.K.Chellapandian

Additional Advocate General

assisted by Mr.Govindan

Special Govt. Pleader

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

The first prayer in the writ petition is to cancel the proceedings of the first and second respondents if any, to run the stockyard at Thirukampuliyur, Chinthalavadi of Krishanarayapuram Taluk, Vadhiyam, Rajendram of Kulithalai Taluk and Kondayampettai of Srirangam Taluk.

2.The first and second respondents viz., the District Collectors, Karur and Trichy have filed status reports. It is stated that stockyard licence has been given in exercising the power under Rule 38(c) of the Tamil Nadu Minor Mineral Concession Rule, 1959. Therefore, no offence could be attached, since licence is granted, exercising lawful power under the said Rules.

3.The second relief sought for by the petitioner is to take action against the persons who set up the stockyard in violation of the said Rules.

4.The violation as alleged by petitioner is that the stockyards are located within 500 meters of the river bank. That allegation is refuted in the reports stating that all the stockyards are located beyond 500 meters from the river bed. But the same is disputed by the probono public. This is the fact in issue and the same cannot be decided in public interest litigation.

5.The third issue is to order investigation by an external agency to probe the illegalities and irregularities involved in the stockyards.

6.The said issue is based on some satellite data. This Court does not have the technical expertise to go into the nature of allegation on the basis of certain data collected from the satellite centre. We do not have wherewithal to go into roving enquiry on such allegation. The authorities are bound to take action on the complaint if there is subsistence.

<https://hcservices.ecourts.gov.in/hcservices/>

7.For all the reasons stated above, we find no cause to entertain this writ petition as a public interest litigation. The



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writ petition is dismissed accordingly. Connected Miscellaneous Petition is closed. No costs.

sd/-

Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Collectorate,
Trichy district, Trichy - 1.

2.The District Collector,
Collectorate,
Kadur District, Karur.

3.The Executive Engineer,
P.W.D. RC Division
Trichy - 1.

+1cc to M/s. M.Rajendran, Advocate Sr.No.61287

+1cc to Spl.Government Pleader sr.no.61693

mj

AA/JGB-DP/SAR-II/03.11.2015/3p-6c/

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15.10.2015