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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) Nos.1100 to 1102 of 2013

R.Veerabuthiran ... Petitioner in all W.Ps.

Vs.

1.The Collector,
Thoothukudi District,
Thoothukudi.

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

3.The Director of Environment,
Department of Environment,
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet,
Chennai 600 015.

4.The Principal Secretary/Chairman,
Tamil Nadu Pollution Control Board,
Corporate Office,
76, Anna Salai,
Guindy, Chennai 600 032.

.. Respondents 1 to 4 in all W.Ps.

5.The Manager,
Bhramma Sakthi Blue Metals,
Padmanabamangalam,
Srivaikundam Taluk,
Thoothukudi District

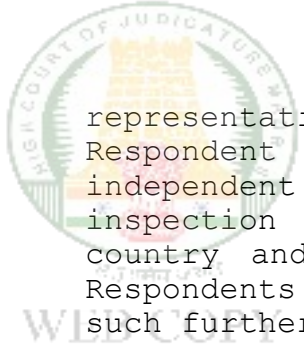
... 5th Respondent in W.P.No.1100/2013

6.The Manager,
Siva Blue Metals,
Padmanabamangalam,
Srivaikundam Taluk,
Thoothukudi District.

... 5th Respondent in W.P.No.1101/2013

7.The Manager,
Soosai & Sons Blue Metals,
Padmanabamangalam,
Srivaikundam Taluk,
Thoothukudi District.

... 5th Respondent in W.P.No.1102/2013



representation dated 15.06.2012 and quash the report of the First Respondent dated 27.08.2012 in GM1/355/2012 and direct some other independent officer of the same cadre to make investigation and inspection in a proper manner to protect the natural resources of this country and consequently direct the First Second Third and Fourth Respondents to take proper action against the Fifth Respondent and pass such further or other orders.

For Petitioner : No appearance

For Respondents 1-4 : Mr.A.K.Baskarapandian,
Special Government Pleader.

For 5th Respondent : Ms.T.K.Akalya
(In all W.Ps.) for M/s.Ajmal Associates

ORDER

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

There is no representation on behalf of the petitioner. However, the first respondent has filed counter affidavit stating that the complaints raised by the petitioner are baseless and not proved. Paragraphs 10 to 12 of the counter affidavit are extracted hereunder:

"10.Regarding the averments made in paras 15 and 16 it is submitted that the writ petitioner is not the first person who raised complaints against the 5th respondent. One Vallirajan, S/o.Chidambara Tehvar of Padmanabamangalam village filed W.P(MD) No.8457/2007, alleging the same complaints and this writ was closed on 16.11.2009 since all the complaints raised by the writ petitioner were baseless and not proved. The 5th respondent has obtained consent order No.W/20 from the Tamil Nadu Pollution Control Board to run his quarry and this Consent Order has been renewed upto 30.09.2013 by the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi in his proceedings NO.DEE/TTN/F-TTN-0403/OS/W/2011, dated 03.10.2012. Hence, the allegation of the writ petitioner that the 1st respondent did not take proper action against the 5th respondent is false and baseless.

11.It is submitted that a copy of the writ petitioner's representation dated 15.06.2012 against the quarry has been received from the office of the Commissioner of Geology and Mining, Chennai on 27.07.2012. Thiru.Subramanian, Panchayat President of Padmanabamangalam village had also sent a petition dated 30.07.2012 to the 1st respondent with a copy of the panchayat resolution requesting action against all quarries in Padnabamangalam village for their illegal activities. Based on these complaint petitions,, the Tahsildar, Srivaikuntam Taluk inspected all the quarries on 13.08.2012 and has sent report. Based on his report a reply was sent to the writ petitioner on 27.08.2012. Hence, the allegation of the writ petitioner that the 1st respondent has neglected his legitimate duties is false and

12.Regarding the averments in paras 17 and 18, it is



submitted that the 1st respondent has initiated all statutory actions to curb illicit quarrying and transportation. There is a typographical error in the reply letter dated 27.08.2012 sent to the writ petitioner. Instead of 300 metres, it has been typed as 300 kms. The mistake is not wilful".

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2. In view of the above, we find no case to proceed with the matter in public interest. Accordingly, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

sms

To

1. The Collector,
Thoothukudi District,
Thoothukudi.

2. The Chairman and Director of Geology,
Department of Geology and Mining
Thiru.Vi.Ka.Industrial Estate,
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+1CC to M/S.Ajmal Associates SR.No.46107

+1CC to Spl.Government Pleader SR.No.46320

Writ Petition (MD) Nos.1100 to 1102 of 2013
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GJM 24.8.15-2P-7C