

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.A. No.1 of 2016
and C.M.P.Nos.9 and 10 of 2016

- 1.I.Sekaran
- 2.Govindan
- 3.Ponmudi
- 4.A.Natarajan

.. Appellants

-vs-

- 1.M/s.Silversand Mines and Minerals
Rep. By its Managing Partner,
G.Kumaran, Tiruvarur.
- 2.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
- 3.The Deputy Superintendent of Police,
Vedaranyam, Nagapattinam District.
- 4.The Inspector of Police,
Kariapattinam Police Station,
Vedaranyam Taluk,
Nagapattinam District.
- 5.The Commissioner of Geology and Mining
Guindy, Chennai.
- 6.The District Collector,
Nagapattinam District, Nagapattinam.
- 7.The Tahsildar,
Taluk Office, Vedaranyam,
Nagapattinam.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 24.03.2010 made in W.P.No.3900 of 2010, on the file of this Court. Petition under Art.226 of the constitution of India praying for the issue a writ of Mandamus directing the District Collector Nagapattinam the 5th respondent herein to

implement the proceedings of the Commissioner of Geology and Mining Guindy Chennai-32 issued in proceeding No.4544/MM3/2007 dated 7.7.2009 to enable the petitioner to under go the mining process in mining silica sand with an extent of 1.17.0 hectares of Patta lands in SF Nos.74/2B3 and 89/4B of Chettipulam Village Vedaranyam Taluk Nagapattinam District and further directing the respondents 1 to 3 to give police protection to the petitioner accordingly for mining silica sand as referred above

For Appellants : Mr.Srinath Sridevan

For Respondents : Mr.S.Sathiamurthi for R-1
: Mr.S.T.S.Murthi, Govt. Pleader
assisted by Mr.V.R.Kamalanathan,
Addl.G.P. & Mr.V.Shanmuga
Sundar, Govt. Adv.

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The appeal has been filed against an innocuous order granted by the learned Single Judge in favour of the original petitioner which had a mining lease in its favour and the appellants were opposing the mining activity of silica sand. No response was filed either by the Government or by these private parties. The material on record suggests that endeavours were made to resolve the dispute, but to no avail and all that the original petitioner prayed for was to operate the mining lease and in case of resistance, for police protection to it. The prayer has been granted by the learned Single Judge for implementing the proceedings of the Commissioner of Geology and Mining dated 07.07.2009 to enable the original petitioner to undertake the mining over the areas specified, with the second direction that in case any threat is encountered from original respondents 7 to 10 (appellants herein), a representation can be made to the local police to render assistance.

2.On our query to the learned counsel for the appellants as to what is the current position, learned counsel fairly confesses that he is unaware of the same. It does, thus, appear that the appellants may themselves have lost interest in the matter or at least there is no difficulty at site.

3.We see no reason to interfere with the impugned order, but clarify that the mining activity, if any, must conform to the licence granted.

4.Writ Appeal is dismissed with the aforesaid observation.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

TO

- 1.The Superintendent of Police,
Nagapattinam District, Nagapattinam.
- 2.The Deputy Superintendent of Police,
Vedaranyam, Nagapattinam District.
- 3.The Inspector of Police,
Kariapattinam Police Station,
Vedaranyam Taluk, Nagapattinam District.
- 4.The Commissioner of Geology and Mining
Guindy, Chennai.
- 5.The District Collector,
Nagapattinam District, Nagapattinam.
- 6.The Tahsildar,
Taluk Office, Vedaranyam, Nagapattinam.

KJI (CO)
EU 12.1.16

W.A.No.1 of 2016

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