

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.7.2016

CORAM :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.25024 of 2016 & WMP.No.21444 of 2016

Sattaiappan

...Petitioner

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary, Ministry of
Industries, Steel Control, Mines &
Minerals & Special Initiatives,
Department of Geology & Mines,
Fort.St.George, Chennai.

2.The Director, Directorate of Geology
& Mines, Thiru Vi Ka Industrial
Estate, Guindy, Chennai-32.

3.The District Collector, Tiruvarur.

4.Rajagopal

5.Chitra

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing
respondents 1 to 3 from permitting respondents 4 and 5 from
quarrying Savudu Mann (Filling earth) in S.Nos.51/13B, 51/15,
51/16, 52/2, 52/3, 52/5A, 52/6, 52/7, 52/13, 52/14 and 52/16
situated in No.5, Kaliyakudi Village, Nannilam Taluk, Tiruvarur
District as the same fall within the distance of 100 meters from
inhabited area of the Village.

For Petitioner : Mr.S.Sounthar

For Respondents 1 to 3 : Mr.S.Diwakar, SGP

ORDER

Mr.S.Diwakar, learned Special Government Pleader takes
notice for respondents 1 to 3. Heard both. In view of the
limited nature of the prayer sought, the writ petition itself is
taken up for final disposal without ordering notice to
respondents 4 and 5.

2. The grievance of the petitioner is that respondents 4 and 5 are carrying on quarrying operations by excavating savudu in S.Nos.51/13B, 51/15, 51/16, 52/2, 52/3, 52/5A, 52/6, 52/7, 52/13, 52/14 and 52/16 situated in No.5, Kaliyakudi Village, Nannilam Taluk, Tiruvarur District, in violation of Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. Therefore, the petitioner sent a legal notice to the Authorities on 12.5.2016 and since the same has not yet been considered, the petitioner is before this Court seeking to forbear respondents 1 to 3 from permitting respondents 4 and 5 for quarrying savudu.

3. The petitioner ought to have filed a proper representation before the District Collector and only if there is a total inaction on the part of the District Collector, the petitioner could have resorted to send a legal notice.

4. In the light of the above, the writ petition is disposed of granting liberty to the petitioner to submit a detailed representation to the third respondent District Collector setting out his grievances and also enclosing documents to substantiate his contentions. If such a representation is made, the same shall be considered by the third respondent after notice to respondents 4 and 5 and appropriate orders shall be passed on merits and in accordance with law, within a period of eight weeks from the date on which, the representation is made. No costs. Consequently, the above WMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Secretary to Government of Tamil Nadu, Ministry of Industries, Steel Control, Mines & Minerals & Special Initiatives, Department of Geology & Mines, Fort.St.George, Chennai.

2.The Director, Directorate of Geology & Mines, Thiru Vi Ka Industrial Estate, Guindy, Chennai-32.

3.The District Collector, Tiruvarur.

+1cc to Mr.S. Sounthar, Advocate, S.R.No.40952

+1cc to the Government Pleader, S.R.No.41513

SV(CO)

EU(03/08/2016)

WP.No.25024 of 2016&

WMP.No.21444 of 2016