

In the High Court of Judicature at Madras

Dated : 06.10.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.35535 of 2016

A.Raman

...Petitioner

Vs

- 1.State of Tamilnadu, rep. by its
Secretary to Government, Public
Works Department (Water Recourses)
Secretariat, Chennai-9.
- 2.State of Tamilnadu, rep. by its
Secretary to Government
Industrial Department,
Secretariat Chennai-9.
- 3.The Commissioner, Directorate of
of Geology & Mining, Industrial
Estate, Guindy, Chennai.
- 4.The District Collector, Collectorate
Villupuram, Villupuram District-605 602.
- 5.The Deputy Director, Geology &
Mining, Collectorate, Villupuram,
Villupuram District-605 602.
- 6.The Executive Engineer, Public Works
Department (Water Resources),
Kizhthenpennai River Distribution Circle,
Villupuram, Villupuram District-605 602.
- 7.The Revenue Divisional Officer,
Thirukovilur, Villupuram District-605 757.
- 8.The Revenue Divisional Officer,
Kallakurichi, Villupuram District-606 202.

- 9.The Tahsildar, Thirukovilur Taluk,
Villupuram District-605757.
- 10.The Tahsildar, Sankarapuram Taluk,
Villupuram District-606401.
- 11.The Village Administrative Officer,
Vanapuram & Nagalkudi Villages,
Vanapuram Village, Ariyalur Post,
Sankarapuram Taluk, Villupuram
District-605801.
- 12.The Village Administrative Officer,
Ariyalur & Attiyur Villages, Ariyalur
Village & Post Sankarapuram Taluk,
Villupuram District-605 801.
- 13.The Village Administrative Officer,
Kallipadi Village, Kallipadi Village
& Post, Sankarapuram Taluk,
Villupuram District-605 802.
- 14.The Village Administrative Officer,
Koovanur Village, Koovanur Village
& Post, Thirukovilur Taluk, Villupuram
District-605 766.
- 15.The Superintendent of Police
Villupuram, Villupuram District-605602.
- 16.The Deputy Superintendent of
Police, Tirukovilur, Villupuram
District-605757.
- 17.The Inspector of Police, Manalurpettai
Police Station, Tirukovilur Taluk,
Villupuram District-605 754.
- 18.The Inspector of Police, Tirupalapanthal
Police Station, Villupuram District-605757.
- 19.The Inspector of Police, Pagandai
Kuttu Salai Police Station
Villupuram District-605 801.

20.G.Ayyanar
 21.G.Venkatesan
 22.K.Anand

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st to 5th, 8th, 10th to 12th, 15th to 16th and 19th respondents to perform their statutory duty and obligations to stop illicit, illegal and unauthorized quarrying of soil from Vanapuram, Ariyalur, Atitiyur and Nagalkudi Lakes of Sankarapuram Taluk, Villupuram District and further directing the 1st to 10th and 13th to 19th respondents to perform their statutory duty and obligations to stop illicit, illegal and unauthorized quarrying of sand from the riverbed and river basin of Thenpennai River (Ponnaiyar), near Kallipadi Village, Sankarapuram Taluk and near Koovanur Village, Thirukovilur Taluk and further directing the 1st to 19th respondents to take legal action against the 20th respondent and his henchmen in connection with illicit, illegal and unauthorized quarrying of lack soil and river sand business within a stipulated time that may be fixed by this Court.

For Petitioner :	Mr.J.Agni Selvaraju
For Respondents 1 to 19 :	Mr.S.Diwakar, SGP

ORDER

Mr.S.Diwakar, learned Special Government Pleader accepts notice for respondents 1 to 19. Heard both. In view of the relief that this Court intends to grant, the writ petition itself is taken up for final disposal without ordering

notice to respondents 20 to 22.

2. The petitioner is a resident of Vanapuram Village, Villupuram District and the present attempt of the petitioner is to curtail sand mafia, who are alleged to have indulged in illicit mining of sand from lake as well as from the river.

3. In the affidavit filed in support of the above writ petition, the petitioner stated as to how he came to know about the illicit sand mining by the private respondents and the steps taken by him and promptly it was brought to the notice of the District Collector, Villupuram by representation dated 23.6.2016. The said representation was received by the office of the District Collector on 27.6.2016 and by proceedings dated 18.7.2016, the District Collector directed the Taluk Level Task Force Committee, Thirukovilur Taluk, under the chairmanship of the Tahsildar, to immediately inspect the area, proceed further and also submit a report within 15 days.

4. This appears to have triggered some problem in the locality and the allegation is that the petitioner and his brother were beaten up and that they were referred to Mundiampakkam Government Hospital for treatment. It also appears that the petitioner's mother was also beaten up and she was treated as an inpatient. This was reported by the petitioner to the police and a first information report has been registered in Crime No.72 of 2016 for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) of the Indian Penal Code.

5. In the meantime, the sister of respondents 20 and 21 is said to have lodged a complaint against all the petitioner's family members numbering about 6 and a first information report has been registered in Crime No.73 of 2016 for offences under Section 147, 148, 355, 294(b), 323, 324 and 506(ii) of the Indian Penal Code and based on this complaint, the petitioner's father was arrested and remanded to judicial custody and all the other family members of the petitioner, including the petitioner, secured anticipatory bail from this Court.

6. The matter pertaining to the criminal cases is for the Police Authorities to investigate and file a final report. However, the issue, which is focused in this writ petition, is of public importance, since illicit mining of soil and sand has to be prevented. In fact, the petitioner's representation was entertained by the District Collector and she directed the Taluk Level Task Force Committee to take action. Though a report has been directed to be submitted within 15 days, nothing appears to have transpired. The petitioner produced photographs to show that illicit mining is being carried on.

7. The learned Special Government Pleader would submit that it is not known as to whether the Tahsildar has completed the inspection and a report has been submitted.

8. In any event, the Tahsildar should have given a report well before the end of August 2016, since the District Collector had granted only 15 days' time or at least by the first week of September 2016. This having not been

done, this Court is inclined to issue appropriate directions. Since this writ petition is disposed without ordering notice to the private respondents, this Court is not recording any finding of guilt against them and it is for the Authorities to take note of the ground realities and proceed in accordance with law.

9. In the light of the above, the writ petition is disposed of with a direction to the ninth respondent Tahsildar to immediately comply with the directions issued by the District Collector, Villupuram in her proceedings dated 18.7.2016, conduct a surprise inspection and submit a report to the District Collector within 24 hours after completion of the inspection. It is made clear that the ninth respondent Tahsildar shall act in an unbiased manner and report the true state of affairs and based on such report, the District Collector, Villupuram namely the fourth respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

06.10.2016

Internet : Yes

To

- 1.The Secretary to Government of Tamilnadu, Public Works Department (Water Recourses), Secretariat, Chennai-9.
- 2.The Secretary to Government of Tamilnadu, Industrial Department, Secretariat Chennai-9.
- 3.The Commissioner, Directorate of of Geology & Mining, Industrial Estate, Guindy, Chennai.
- 4.The District Collector, Collectorate, Villupuram, Villupuram District-605 602.

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- 5.The Deputy Director, Geology & Mining, Collectorate, Villupuram, Villupuram District-605 602.
- 6.The Executive Engineer, Public Works Department (Water Resources), Kizhthenpennai River Distribution Circle, Villupuram, Villupuram District -605 602.
- 7.The Revenue Divisional Officer, Thirukovilur, Villupuram District-605 757.
- 8.The Revenue Divisional Officer, Kallakurichi, Villupuram District-606 202.
- 9.The Tahsildar, Thirukovilur Taluk, Villupuram District-605757.
- 10.The Tahsildar, Sankarapuram Taluk, Villupuram District--606401.
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