



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.11484 of 2016

R.Balakrishnan

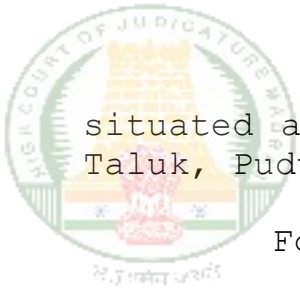
... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Pudukkottai District.
- 3.The Assistant Director of Geology and Mining,
Collector Office,
Pudukkottai.
- 4.The Tahsildar,
Tahsildar Office,
Gandarvakottai Taluk,
Pudukkottai District.
- 5.The Superintendent of Police,
Pudukkottai District.
- 6.The Executive Officer,
Water Resource Department,
South Vallaru Channel Division,
Pudukkottai.
- 7.Chinnadurai
- 8.Devaraj
- 9.Kumar
- 10.Kannaiyan
- 11.Periyasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 to consider the petitioner's representation dated 21.05.2016 and respondents 7 to 11 from carrying on quarrying operation any further in Survey No.15, "Pudhu Lake", in Survey No.16 "Kudikattu Lake", and in Survey No.218, "Kodhamuthu Lake",



situated at Sozhagampatti Village, Nodiyur Circle, Gandarvakottai Taluk, Pudukkottai District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.C.Selvaraj,
Special Government Pleader for R.1 to R.6

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

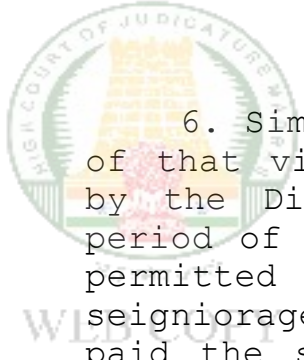
A resident of Sozhagampatti Village, Achampatti Post, Gandarvakottai Taluk, Pudukkottai District, filed the present writ petition, for directing the respondents 1 to 6 to consider his representation, dated 21.05.2016 and to forbear the respondents 7 to 11 from carrying on quarrying operations in Survey No.15, "Pudhu Lake", in Survey No.16 "Kudikattu Lake", and in Survey No.218, "Kodhamuthu Lake", situated at Sozhagampatti Village, Nodiyur Circle, Gandarvakottai Taluk, Pudukkottai District.

2. This writ petition is filed in public interest as the respondents 7 to 11 are stated to be illegally quarrying, using JCB machinery.

3. The Assistant Director of Geology and Mining, Pudukkottai - the third respondent herein, has filed a detailed report in the matter.

4. It is brought out that the District Collector through his proceedings, dated 25.05.2015, has granted the necessary permission in favour of one Thiru.T.Raja Gandhi, son of Thottan of Mettupatti Village, Pudukkottai District, for quarrying minor mineral gravel in "Pudhu Lake" lying in S.No.15 of Sozhagampatti Village. The permit to quarry the mineral has been granted for a period of 11 months, commencing from 25.05.2015 and valid upto 24.04.2016 and it also imposed a restriction on the quantum of mineral that can be extracted therefrom by specifying it as 25,020 Cubic Meters. The said permit holder, Thiru.T.Raja Gandhi, has paid the seigniorage fee of Rs.6,25,500/- (Rupees Six Lakhs Twenty Five Thousand and Five Hundred only) and then, commenced his quarrying operations on 22.07.2015 and stopped the quarrying operations on 24.04.2016. He has dispatched the mineral extracted after duly obtaining the Dispatch Slips and Bulk Permits on various dates.

5. It is now asserted that no quarrying is carried out by the service equipment holder beyond 24.04.2016 and he has only quarried and transported the mineral to the extent of permitted quantity of 25,020 Cubic Meters.



6. Similarly, with regard to "Kudikattu Lake" lying in S.No.16 of that village, the aforesaid Thiru.T.Raja Gandhi was permitted by the District Collector to quarry the mineral gravel for a period of 11 months from 05.08.2014 to end by 04.07.2015. He was permitted to quarry 25,000 Cubic Meters, subject to payment of seigniorage fee. It is now asserted that Thiru.T.Raja Gandhi, has paid the seigniorage fee of Rs.6,25,000/- (Rupees Six Lakhs and Twenty Five Thousand only) and started quarrying operations on 28.08.2014 and stopped with the same by 15.03.2015. He has not violated the conditions of the grant at all.

7. Insofar as "Kothamuthu Lake" lying in S.No.218 of that village, it is now asserted that illegal quarrying has taken place and hence, the Tahsildar has drawn a detailed report and submitted the same after securing an inspection of the site and also getting it surveyed by the Firka Surveyor. Based upon the report submitted by the Tahsildar, the Sub Collector, Pudukkottai, has already initiated action against the person prima facie found responsible for illegally quarrying the gravel insofar as "Kothamuthu Lake" lying in S.No.218.

8. In view of the detailed report of the Assistant Director of Geology and Mining, Pudukkottai - the third respondent herein, we find that in respect of the allegations of the petitioner with regard to two tanks lying in S.Nos.15 and 16 of that village, no further action is really called for or warranted. Insofar as the third tank lying in S.No.218, we direct the official respondents to finalise the action initiated against the person(s) responsible for illegal quarrying of gravel and take action in accordance with law against them within a maximum period of three months from the date of receipt of a copy of this order. A compliance report be submitted to the Registrar (Judicial) of this Court, to be kept on record of this case.

9. With the above directions, this writ petition stands disposed of. No costs.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai District.



3.The Assistant Director of Geology and Mining,
Collector Office,
Pudukkottai.

4.The Tahsildar,
Tahsildar Office,
Gandarvakottai Taluk,
Pudukkottai District.

5.The Superintendent of Police,
Pudukkottai District.

6.The Executive Officer,
Water Resource Department,
South Vallaru Channel Division,
Pudukkottai.

Copy to: The Registrar (Judicial)
Madurai Bench of Madras High court,
Madurai

+1CC to M/S.N.Balakrishnan, Advocate, SR.No. 45090
+1CC to the Special Government Pleader, SR.No. 45352

W.P (MD) No.11484 of 2016
17.08.2016

rsb
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