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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.2353 of 2016

and

W.M.P (MD) No.2081 of 2016

P.Dhurai

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director,
Mines and Minerals Department,
Collectorate, Nagercoil.

3.The Revenue Divisional Officer,
Collectorate,
Kanyakumari District.

4.The Tahsildar,
Agastheeswaram Taluk,
(at Nagercoil)
Kanyakumari District.

5.The Village Administrative Officer,
Thengamputhoor Village,
Thengamputhoor.

6.C.Somasundaram

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 from granting any permission to the 6th respondent to conduct Earth Mining/quarrying operations in S.No.341/11A.

For Petitioner	: Mr.Niranjana S.Kumar
For Respondents 1-5	: Mr.R.Anand Raj, Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus to forbear the respondents 1 to 5 from granting any permission to the sixth respondent to conduct earth mining/quarrying operations in S.No.341/11A.

2.Heard the learned counsel appearing for the petitioner and Mr. R. Anand Raj, learned Government Advocate who takes notice for the respondents 1 to 5.



3.The petitioner is the owner of 85 cents in S.No.341/11C. The sixth respondent is the owner of the land to an extent of 1 acre in S.No.341/11A. The allegation of the petitioner is that the sixth respondent has been quarrying red soil in his patta land without obtaining proper permission from the Government under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957. He would further submit that as per Rule 19(2)(c)(iii) of the Tamil Nadu Minor Mineral Concession Rules 1959, it is mandatory that the quarrying licence/permit can be granted only if the work could be carried out without affecting the interest of the adjoining land owners. The petitioner has raised his objections on several occasions objecting to the quarry as it affects his land. But the respondents did not take any action against the sixth respondent for his illegal quarrying up to 30 feet. Hence, the petitioner has come up with the above writ petition.

4.Learned Government Advocate who took notice on behalf of the respondents is not able to state whether any valid licence has been given to the sixth respondent for carrying on quarrying operations.

5.In such view of the matter, the writ petition is disposed of directing the Assistant Director, Mines and Minerals Department, Nagercoil to inspect the site and file a report before the District Collector, Kanyakumari District as to whether the sixth respondent is carrying on quarrying operations without licence and detrimental to the interest of the adjoining land owners, within two weeks. On receipt of such report, the District Collector, Kanyakumari District shall take action by passing necessary orders, within two weeks thereafter. No costs. Consequently, W.M.P(MD)No.2081 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The District Collector,Kanyakumari District,Nagercoil.
- 2.The Assistant Director, Mines and Minerals Department,
Collectorate, Nagercoil.
- 3.The Revenue Divisional Officer,Collectorate,
Kanyakumari District.
- 4.The Tahsildar, Agastheeswaram Taluk,(at Nagercoil)
Kanyakumari District.
- 5.The Village Administrative Officer,
Thengamputhoor Village, Thengamputhoor.

+1cc to M/S.Niranjana S.Kumar,Advocate in SR.No.6975

+1cc to Special Government Pleader in SR.No. 6587

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and

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