



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
AND
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.6012 of 2011
and
M.P.Nos.1 to 5 of 2011

K.Selvaraj : Petitioner

Vs.

- 1.Union of India,
Rep by its Secretary,
Ministry of Environment and Forests,
New Delhi.
- 2.State of Tamil Nadu,
Rep by the Principal Secretary, Industries Department,
Fort.St.George, Chennai.
- 3.The Commissioner,
Archaeological Department of Tamil Nadu Government,
Egmore, Chennai.
- 4.The Assistant Director,
Archaeological Department of Tamil Naud Government,
Thirumalai Naicker Mahal, Madurai.
- 5.The Assistant Director,
Department of Geology and Mines,
Collectorate Buildings,
Madurai District, Madurai.
- 6.The District Collector,
Madurai District, Madurai.
- 7.Tamin,
Rep by its The Chairman and Managing Director,
No.31, Kamarajar Salai,
TWAD House, Chepauk, Post Box No.2961, Chennai.
- 8.The Senior Consultant and Assistant
Archaeological Survey of India,
Mahal Building, Sivankovil Street, Thirumayam - 622 507.



9.The President,
Arittapatti Panchayat,
Melur Taluk, Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in G.O.(3D).No.59, dated 19.09.2008 and quash the same and consequently direct the respondent Nos.1 to 3 to protect the Ancient Monument, namely, Jain abode and hillock at Arittapatti in Melur Taluk, Madurai District, from quarrying and to ensure proper protection of the abode.

For Petitioner : Mr.R.Venkatesan

For Respondent Nos.2,4,5&6 : Mr.M.Govindan
Special Government Pleader

For Respondent No.9 : Mr.N.Karthick Kannan

For Respondent No.8 : Mr.S.Sukumar

For Respondent No.1 : Mrs.S.Srimathi

For Respondent No.3 : No Appearance

For Respondent No.7 : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Public Interest Litigation, challenging the impugned order passed by the second respondent in G.O.(3D).No.59, dated 19.09.2008, in and by which license was granted to quarry multi coloured granite.

2. We have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the respondents and we have perused the records carefully.

3. It is submitted by the learned counsel for the petitioner that the land covered under the impugned order is a hillock at Arittapatti Village, which is an ancient monument.

4. The learned Special Government Pleader for the respondents 2, 4, 5 and 6 would submit that as per the order passed by the First Bench, Mr.U.Sahayam, I.A.S., was appointed, who, after inspecting the said land, submitted a report to the Government that it is an ancient monument. He has recommended for withdrawing the quarry license issued.

5. In view of the said submission made, we dispose of the Writ Petition with the direction to the Government to consider the said report and pass appropriate orders and there shall be no quarrying



operation until the final order is passed in the matter by the competent authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Ministry of Environment and Forests, New Delhi.
 - 2.The Principal Secretary, Industries Department,
Fort.St.George, Chennai.
 - 3.The Commissioner,
Archaeological Department of Tamil Nadu Government,
Egmore, Chennai.
 - 4.The Assistant Director,
Archaeological Department of Tamil Naud Government,
Thirumalai Naicker Mahal, Madurai.
 - 5.The Assistant Director,
Department of Geology and Mines,
Collectorate Buildings, Madurai District, Madurai.
 - 6.The District Collector, Madurai District, Madurai.
 - 7.The Chairman and Managing Director,
No.31, Kamarajar Salai,
TWAD House, Chepauk, Post Box No.2961, Chennai.
 - 8.The Senior Consultant and Assistant
Archaeological Survey of India,
Mahal Building, Sivankovil Street, Thirumayam - 622 507.
- +1 cc to M/s.R.Venkatesan, Advocate in SR.No.50842
+1 cc to M/s.S.Srimathy, Advocate in Sr.No.50873
+1 cc to The Special Government Pleader in SR.No. 50948

NB

CSL/SKS-RR/21.09.2016: 3P/12C

ORDER MADE IN
W.P. [MD] .No.6012 of 2011
07.09.2016