

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No3828 of 2017

M.Appavu

.. Petitioner

Vs.

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Industries Department,
Fort St. George,
Chennai - 600 009.
3. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
4. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.
5. The Secretary to Government,
Agriculture Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
6. The Managing Director,
Tamilnadu Pollution Control Board,
Guindy, Chennai.
7. The Chief Engineer (Buildings),
Public Works Department,
Chennai - 600 005.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 02.02.2017 given by the petitioner and pass appropriate order for cancelling the licenses for sand quarry in Tamil Nadu and compulsory using of M-sand as an alternative material for construction activities, within a reasonable time as may be stipulated by this Hon'ble Court.

For Petitioner

Mr.N.Anand Venkatesh

For Respondents

Mr.T.N.Rajagopalan
Special Government Pleader
for R1 to R7

ORDER

(Order of the Court was made by the Acting Chief Justice)

Heard Mr.N.Anand Venkatesh, learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader appearing for the respondents.

2. The petitioner has filed the writ petition seeking issuance of a writ of mandamus directing the respondents to consider the representation of the petitioner dated 02.2.2017 and to order for cancelling the licenses for sand quarry in Tamil Nadu and compulsory using of M-sand as an alternative material for construction activities.

3. It is the case of the petitioner that the Government of Tamil Nadu introduced Rule 38-A in the Tamil Nadu Minor Mineral Concession Rules, 1959 cancelling all the existing leases for quarrying sand. The High Level Committee constituted has also suggested to find alternate materials for sand and in pursuance of the same, the Public Works Department had issued a Circular permitting the use of crushed stone sand as an alternative material to natural sand. As per G.O.Ms.No.32, Industries Department, dated 11.02.2011, restrictions have been imposed for storage and transportation of sand and that river sand can be taken only from the earmarked area. As per the Government Order one meter depth alone was permitted to quarry the sand and no machineries were permitted to be used for quarrying. Instead of such restrictions, river sand has been illegally quarried without following any such rules. The petitioner states that in the neighbouring States, use of Manufactured Sand (M-Sand) being encouraged and in this regard, the Chief Engineer (Buildings), PWD has also issued a Circular on 30.8.2012 for use of M-sand.

On 02.02.2017 the petitioner sent a representation to the first respondent seeking to cancel the licenses to quarry the sand and to compulsorily implement of M-sand instead of river sand. Though the said representation was received by the first respondent, till date no response was received by the petitioner. Hence, the writ petition.

4. It appears that the State Government is considering all these aspects and similar writ petitions are filed regarding mining of river sand and alternative way of getting M-sand. As the larger issue is being considered by the Government in another batch of writ petitions on the issue of sand mining, we do not propose to pass any order in the present petition. It is for the respondent/authorities to do the needful.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To:

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
Industries Department,
Fort St. George, Chennai - 600 009.
3. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
4. The Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 600 009.
5. The Secretary to Government,
Agriculture Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

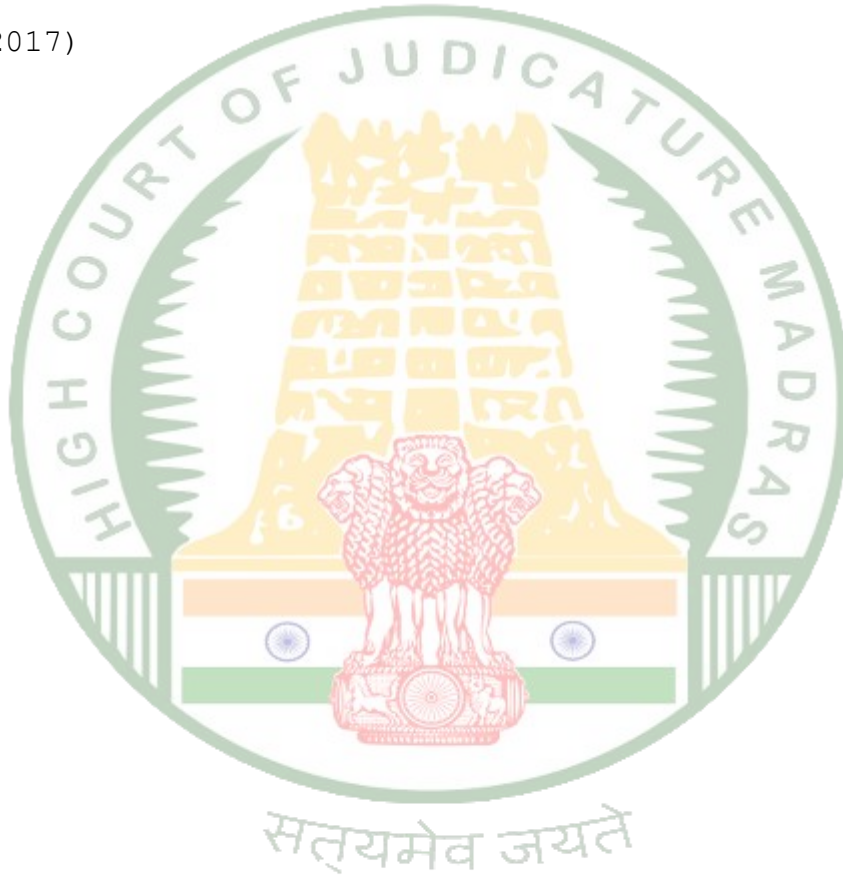
6. The Managing Director,
Tamilnadu Pollution Control Board,
Guindy, Chennai.
7. The Chief Engineer (Buildings),
Public Works Department,
Chennai - 600 005.

+1cc to Mr.N.Anandvenkatesh,Advocate sr.13743

+1cc to Government Pleader sr.14158

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