

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.25564 of 2017

N.Mathiyazhagan

.. Petitioner

Vs.

- 1 The State of Tamilnadu
Rep. by its Chief Secretary to Government
Public Department Fort St. George
Chennai - 600 009.
 - 2 The Secretary to Government
Public Works Department
Fort st. George
Chennai - 600 009.
 - 3 The Secretary to Government
Industrial Department
Fort st. George
Chennai - 600 009.
 - 4 The President
State Level Environment Impact Assessment Authority
Panagal Building, Saidapet
Chennai - 600 015.
 - 5 The Commissioner
Geology & Mines Department
Chennai - 600 032.
 - 6 The District Collector
Namakkal District, Namakkal.
 - 7 The Superintendent of Police
District Police Office
Namakkal District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus to direct the respondents to prevent the illegal sand quarrying in Survey No.170 in Manappalli Village and in Survey No.380 in

Komarapalayam Village and adjoining Survey Numbers in Kaveri riverbed situate in Manappalli and Komarapalayam Panchayats in Paramathi Vellore Taluk in Thiruchengode Revenue Block, Namakkal District and to ensure the protection of the said water resources by strictly implementing G.O.(Ms). No.135 dated 13.11.2009 of the Industries (MMA.1) Department based on the petitioners representation dated 24.08.2017.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1 to 3 and 5
to 7

ORDER

(Order of the Court was made by M.Sundar,J.)

This writ petition has been filed in public interest.

2. The prayer in this writ petition is to mandamus the respondents to prevent alleged illegal sand quarrying in two specific survey numbers in two different villages. According to the averments made by the writ petitioner in the affidavit, the two specific survey numbers in two different villages are Survey No.170 in Manappalli Village and Survey No.380 in Komarapalayam Village, both in Paramathi Vellore Taluk in Thiruchengode Revenue Block, Namakkal District.

3. Mr.M.K.Subramanian, learned Government Pleader accepts notice on behalf of official respondents 1 to 3 and 5 to 7.

4. In the light of the submissions made by the learned Government Pleader and in the light of the order which we propose to pass, we are of the view that it is not necessary to issue notice to the fourth respondent.

5. The learned Government Pleader submits, on instructions, that with regard to Survey No.170 in Manappalli Village (supra), the District Level Squad has carried out inspections, taken appropriate action and no quarrying activities are carried on now in the said survey number.

6. With regard to Survey No.380 in Komarapalayam Village, the learned Government Pleader submits that but for the permission accorded to the local villagers to remove sand in cart loads, no other sand quarrying activities are permitted in the said survey number. He added that local villagers had been

permitted to remove sand in cart loads only with effect from 17.8.2017.

7. The above said submissions of the learned Government Pleader are recorded.

8. The writ petition is disposed of recording the above submissions made by the learned Government Pleader. No costs. Consequently, W.M.P.No.26960 of 2017 are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To:

- 1 The Chief Secretary to Government
State of Tamilnadu
Public Department Fort St. George
Chennai - 600 009.
- 2 The Secretary to Government
Public Works Department
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Chennai - 600 009.
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- 6 The District Collector
Namakkal District, Namakkal.

7 The Superintendent of Police
District Police Office
Namakkal District.

+ 1 cc to Mr.S.Sathia Chandran Advocate,SR.71102
+ 1 cc to The Govt.Pleader, SR.71088

W.P.No.25564 of 2017

RJ(CO)
NR 24/10/2017



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