

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.No.41705 of 2016

Villupuram Thenpennai Aaru
Paadhukappu Nala Sangam
rep. by its President R.Gunasekar,
No.1/65, Anna Nagar,
Pidagam Post,
Villupuram Taluk & District. ... Petitioner

Vs.

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Assistant Engineer/Executive Engineer,
(Water Resources Department)
Irrigation Division - I,
Public Works Department,
Villupuram - 605 602.
- 3.K.Muthu
- 4.The Revenue Divisional Officer,
Villupuram. ... Respondents

(Respondent No.4 impleaded as per the
order of this Court dated 29.11.2016)

PRAYER: Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus
forbearing the respondents 1 and 2 from permitting the
third respondent from illegal quarrying sand in the middle
of Thenpennai River, Villupuram District by forming road in
the river and to seize the vehicles involved in the illegal
mining of sand from the river and consequently to direct
the authority to conduct enquiry in respect of illegal sand

mining and quarry by the third respondent and to cancel the license issued to the third respondent for sand quarry.

For Petitioner

Mr.D.Senthil Kumaar

For Respondents

Mr.T.N.Rajagopalan
Special Government Pleader
for R1, R2 & R4

ORDER

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

Heard Mr.D.Senthilkumaar, learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader appearing for respondent Nos.1, 2 & 4.

2. The petitioner has filed the writ petition seeking issuance of a writ of mandamus forbearing the respondents 1 and 2 from permitting the third respondent from illegal quarrying sand in the middle of Thenpennai River, Villupuram District by forming road in the river and to seize the vehicles involved in the illegal mining of sand from the river and consequently, to direct the authority to conduct an enquiry in respect of illegal sand mining and quarry by the third respondent and to cancel the license issued to the third respondent for sand quarry.

3. According to petitioner, the third respondent is running a sand yard near Kapur village and by using the name of the yard, he is illegally quarrying river sand from Thenpennai river in the places between Maarangiyur and Enathimangalam Bridge, Tirukovilur Taluk. The third respondent is using Taurus lorries for loading the sand from the centre river bed and unloading it in the yard at Kapur village. Because of the acts of the third respondent the livelihood of the farmers has been affected. The illegal sand quarrying of the third respondent should be prevented. In this regard, the petitioner sent several representations to the first respondent. Despite receipt of the representations, the first respondent has not taken any action against the third respondent. Hence, the writ petition.

4. On 29.11.2016, this Court impleaded the Revenue Divisional Officer, Tirukoilur as respondent No.4 and respondent No.4 was directed to inspect the site and submit a report to

this Court with plans and photographs. On 27.12.2016, respondent No.4 has filed his report along with photographs, which was put to the petitioner, who filed his objections.

5. Thereafter, reply affidavit was filed by the Revenue Divisional Officer, Tirukoilur, affirmed on 1.3.2017, stating that the operations of Karadipakkam sand quarry by the Public Works Department has been closed on 22.2.2017 and over all there are no quarrying operations in Thenpennai river between Marangiyur and Enathimangalam Bridge and also in Karadipakkam village.

6. A perusal of the reply affidavit show that the respondent authorities have taken earnest steps to contain illegal quarrying operations in Thenpennai river between Marangiyur and Enathimangalam Bridge and no such activities are being done now. We take on record the said reply affidavit filed by the Revenue Divisional Officer and direct the respondent authorities to ensure that illegal quarrying is not done.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To:

- 1.The District Collector,
Villupuram District,
Villupuram.
 - 2.The Assistant Engineer/Executive Engineer,
(Water Resources Department)
Irrigation Division - I,
Public Works Department,
Villupuram - 605 602.
 - 3.The Revenue Divisional Officer,
Villupuram.
- +2cc to M/S. D. SenthilKumar, Advocate Sr. 14026
+1cc to the Government Pleader Sr. 14156

W.P.No.41705 of 2016

CP(CO)
VR(20/03/2017)