



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P(MD) No.14420 of 2015

S.Suresh

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional officer,
Karur Revenue Division
Karur.

3.The Assistant Director, (Mines)
Karur District,
Karur.

4.The Tahsildar,
Manmangalam Taluk,
Manmangalam,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to issue necessary direction to the respondents 2 to 4 forbearing them to give continuous trouble or interference in the work of filtration of sand by using the machineries erected in the petitioner's unit situated at Punjai Thotta Kuruchi Village bearing Sy.No.96A to an extent of 3 Acres 55 Cents within the Sub-Registration limit of Velayuthampalayam and within the District Registration of Karur Limit of Karur District based on the petitioner's representation dated 20.07.2015 made to the 1st respondent.

For Petitioner

: Mr. K.Kannan

For Respondents

: Mr. R.Anandaraj,

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a Mandamus directing the first respondent to issue necessary direction to the respondents 2 to 4 forbearing them from interfering in the work of filtration of sand by using the machineries erected in the petitioner's unit situated at Punjai Thotta Kuruchi Village bearing Sy.No.96A to an extent of 3 Acres 55 Cents within the Sub-



Registration limit of Velayuthampalayam and within the District Registration of Karur Limit of Karur District, based on the petitioner's representation, dated 20.07.2015, made to the 1st respondent.

2. The case of the petitioner is that the petitioner established one Unit for the purpose of filtration of sand by way of erecting the machinery and he is doing the work of filtration of sand and the persons, who bring sand for filtration of sand were having authorized bill for the proof of sale slip issued by the licensee at the stockyard and only after perusing the sale slip, the filtration work is being done by the petitioner. It is the further case of the petitioner that whenever the sand was brought to the premises of the petitioner for filtration, the Authorities used to come the petitioner's Unit and seize the vehicle in which, the sand is being brought by the persons, who have been issued the sale slip by the authorised licensee of the stockyard and thereby, the rights of the petitioner is curtailed. Therefore, the petitioner has come forward with the present Writ Petition with the aforesaid prayer.

3. The learned Government Advocate has filed a counter affidavit stating that the respondent had conducted an inspection in the petitioner's Unit against the illegal operation of the sand filtering and during inspection, the machine and the vehicles, which were used for illegal transportation of sand were seized by the authorities concerned and penalty was also imposed by the Revenue Divisional Officer. After remitting the penalty amount, the vehicle were released. It is further stated that as per the existing Rules, the sand loaded at a particular place, has to be unloaded as per the despatch slip issued to them. In order to avoid illegal quarrying, the Government has enacted Rule 38-C (12) of the Tamil Nadu Minor Mineral Concession Rules, 1959 whenever any person stocks the sand or transports or causes to be transported the sand without any lawful authority, and for that purpose uses any tool, equipment, vehicle or any other thing, such sand, tool, equipment, vehicle or any other thing shall be liable to be seized by the competent authorities and shall also liable for confiscation of the same. Based on the above said Rule, the petitioner's vehicles were seized and penalty was also imposed against the petitioner and at present, the work of filtration of sand without any authorised licence is totally stopped and the filtration Unit of the petitioner is also not existing.

4. In the above stated circumstances, the prayer made in the Writ Petition fails and the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (Protocol)

/True copy/



To

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Karur.

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Karur District,
Karur.

4.The Tahsildar,
Manmangalam Taluk,
Manmangalam,
Karur District.

+1 CC to MR.K.KANNAN, Advocate, SR No. 13873

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 14071

PM

PSM/RR/SAR2/19.04.2017/3P/7C

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