



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

CORAM:

THE HON'BLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.2879 of 2014

Pauldurai

... Petitioner

-vs-

1. State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai.
2. The Commissioner,
Geology and Mines,
Guindy, Chennai - 600 032.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Assistant Director,
Geology and Mines,
Tirunelveli.

5.T.Ponnudurai

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance a Writ of Mandamus, to direct the respondents 1 to 4 to stop the illegal sand quarry of the 5th respondent in the land in Survey No.487/1, 491/1, 491/2, Kadayam Perumpathu II, Ambasamudram, Tirunelveli District, by considering the petitioner's representation dated 01.02.2014.

For Petitioner	: Mr.T.A.Ebenezer
For Respondents 1 to 4	: Mr.G.Muthukannan, Government Advocate
For 5 th respondent	: Mr.R.Manimaran

**ORDER**

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 4 to stop the illegal sand quarry of the 5th respondent in Survey No.487/1, 491/1, 491/2, Kadayam Perumpathu II, Ambasamudram, Tirunelveli District, by considering his representation dated 01.02.2014.

2.Heard the learned counsel for the petitioner, and the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the 5th respondent.

3.The learned counsel for the petitioner submitted that the petitioner is an adjacent land owner of the fifth respondent. The license for quarrying the river sand in Survey No.487/1, 491/1 and 491/2, Kadayam Perumpathu II, Ambasamudram, Tirunelveli District granted to the fifth respondent was valid till 28.06.2014. Though the Government by issuing G.O.Ms.No.95, Industries Department, dated 01.10.2003, closed all the sand quarries and taken over the same, the 4th respondent has illegally granted permission and license to the 5th respondent to further quarry sand in the said patta lands. However, the very same 4th respondent rejected the application submitted by the petitioner seeking permission to quarry the sand from his patta land in Survey No.487. Hence, the petitioner has sent his representation dated 01.02.2014 to the respondents 1 to 4 praying to stop the illegal mining of the 5th respondent. As there was no response to the same, he has come up with this writ petition.

4.The learned Government Advocate by inviting the attention of this Court to paragraph Nos.9 to 11 of the counter affidavit submitted that the petitioner was not granted permission to quarry river sand and in fact, he was given permission only for removal of earth from his patta lands in S.F.Nos.487/1, 491/1 & 491/2 and the same was expired on 28.06.2014 and no permission was granted in favour of the fifth respondent for quarrying the river sands from the said patta lands as alleged by the petitioner. The fifth respondent has submitted further application dated 04.08.2014 seeking permission for removal of earth over an extent of 4.05.5 hectares of patta lands in S.F.Nos.487/1, 491/1, 488/2, 488/6, 488/7 and 488/8 of Kadayamperumpathu Village, Ambasamudram Taluk, Tirunelveli District. Based on the recommendation of the Tahsildar, Ambasamudram, dated 03.12.2014, the fifth respondent was granted permission only for removal of earth over an extent of 0.64.0 hec. of patta land in S.F.No.488/2, by the third respondent from 15.12.2014 to 30.06.2015 and thereafter, no permission was granted in favour of the fifth respondent and the contention of the petitioner that illegal mining was carried out by the fifth respondent is not correct.



5. Recording the above submission of the learned Government Advocate, this writ petition is closed. No costs.

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Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Industries Department,
Fort St. George,
Chennai.
2. The Commissioner,
Geology and Mines,
Guindy, Chennai - 600 032.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Assistant Director,
Geology and Mines,
Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 14686
+ 1 CC TO Mr.S.MEENAKSHI SUNDARAM, ADVOCATE IN SR No. 14590
+ 1 CC TO Mr.T.A.EBENEZER, ADVOCATE IN SR No. 14508

GCG

TE/MR/SAR-II : 17/04/2017 : 3P/8C

W.P. (MD) No. 2879 of 2014
14.03.2017