



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P.(MD) No.2135 of 2015
and M.P.(MD) No.2 of 2015

P.Nagarajan

... Petitioner

-vs-

1. The District Collector,
Madurai District, Madurai.
2. The Deputy Director of Mines & Minerals,
Office of District Collector, Madurai.
3. The Deputy Superintendent of Police,
Usilampatti, Madurai.
4. The Inspector of Police,
Uthappa Naickanur Police Station,
Madurai.
5. The Inspector of Police,
Vikramangalam Police Station,
Madurai.
6. Mr.Jithendra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 to 5 herein from in any way allowing 6th respondent herein from conducting illegal mining operation and transporting minerals in S.Nos.206 & 207 of Kalloothu Village and S.No.117 at Panamooppanapatty Village, Usilampatty, Madurai and consequently initiate penal action for illegal quarrying operation of rare minerals of beril without any lease / permission from the government.

For Petitioner	: Mr.B.Prahalad Ravi
For R1 to R5	: Mr.M.Alagathevan Spl. Govt. Pleader
For R6	: Mr.S.Vellaichamy

**ORDER**

This writ petition has been filed, seeking to forbear the respondents 1 to 5 herein from in any way allowing 6th respondent herein from conducting illegal mining operation and transporting minerals in S.Nos.206 & 207 of Kalloothu Village and S.No.117 at Panamoppapanapatty Village, Usilampatty, Madurai and consequently initiate penal action for illegal quarrying operation of rare minerals of beril without any lease / permission from the government.

2. Heard the learned counsel for the parties.

3. It is the case of the petitioner that he is a co-owner of the land in S.Nos.206 and 207 and the 6th respondent attempted to trespass into his lands for using it as a road to reach his quarry site, in which he was granted quarry lease. It is averred that the 6th respondent has not maintained the safety distance violating the terms and conditions of lease and the 6th respondent, in connivance with other respondents, has been conducting illegal quarry operations and the natural resources are being exploited by him. The petitioner, narrating all these has sent a representation dated 05.12.2013 to the District Collector followed by an Advocate notice dated 05.02.2015. Since the representation of the petitioner did not evoke any response, he is before this Court with the above prayer.

4. On 06.07.2017, this Court appointed an Advocate Commissioner to ascertain the actual position, wherein, it is *inter alia* stated as follows:

"....At the time of inspection, I did not notice any quarrying operation in S.No.199/1. There was also no indication of any recent quarrying operation in the said Survey Number. The existing pit in S.No.199/1 on the basis of its physical features appears to have been dug some while ago. During my inspection, the petitioner insisted that I should also inspect 206, 207 of Kalloothu Village which is located to the West of S.No.199/1. As the request by the petitioner was beyond the scope of warrant issued to me, I declined to inspect the said lands."

5. The learned counsel for the petitioner has submitted that though the petitioner has sought for a larger relief, he has, however restricted his relief to the extent of consideration of his representation dated 05.12.2013, which had been given to the 1st respondent / District Collector for unearthing the truth, relating to the quarrying operations.

6. At this juncture, the learned Special Government Pleader appearing for the respondents 1 to 5 would submit that if a



reasonable time is granted to the 1st respondent, the representation of the petitioner will be considered and suitable orders passed.

7. Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the 1st respondent to consider the representation of the petitioner dated 05.12.2013 and pass appropriate orders thereon on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as R6, against whom certain allegations have been levelled.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Madurai District, Madurai.
2. The Deputy Director of Mines & Minerals,
Office of District Collector, Madurai.
3. The Deputy Superintendent of Police,
Usilampatti, Madurai.
4. The Inspector of Police,
Uthappa Naickanur Police Station,
Madurai.
5. The Inspector of Police,
Vikramangalam Police Station,
Madurai.

+ 1 CC TO Mr.M.V.VENKATASESHAN, ADVOCATE IN SR No. 81737
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 82025

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TE/MR-KKR/SAR-IV : 24/10/2017 : 3P/8C

W.P. (MD) No.2135 of 2015 and
M.P. (MD) No.2 of 2015
05.10.2017