

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 01.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P (MD) No.12820 of 2017**

S.Murugesan

... Petitioner

Vs.

1. The Additional Principal Secretary /
Industrial Commissioner,
Department of Industries and Commerce,
SIDCO Corporate Office Building,
3rd Floor, Industrial Estate,
Guindy, Chennai - 600 032.
2. The Deputy Director (Chemical),
Department of Industries and Commerce,
Industrial Estate, Guindy,
Chennai-600 032.
3. The Chief Engineer, Public Works Department,
Plan Formulation (Water Resources Organization),
Chepauk, Chennai - 600 005.
4. The Executive Engineer,
Public Works Department,
Soil Mechanics & Research (SM & R) Division,
Water Resources Organization,
Chepauk, Chennai - 600 005.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to use the silica sand in the place of riverbed sand as a alternative material for the construction activities of the Government and private sectors within time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Govindan, Spl. G.P.

**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed in public interest.

2. According to the writ petitioner, he has conducted scientific research for the use of silica material as an alternative for river bed sand for construction activities. He has submitted a representation dated 27.06.2017 to the respondents. The typed set of papers filed by the writ petitioner would show that he has taken earnest efforts to substantiate his claim and demonstrate the feasibility of his proposal.

3. The respondents 3 and 4 have filed their counter affidavit praying for dismissal of writ petition.

4. It is to be pointed out that this writ petition has been filed in public interest and that it is not an adversarial litigation. The writ petitioner does not seek any personal benefit for himself. Therefore, the authorities must consider the proposal suggested by the writ petitioner on its own merits. There is no point in blaming the writ petitioner stating that he has not rendered cooperation.

5. Be that as it may, in the counter affidavit, it has been stated that the chemical analysis of the samples were carried out and the test results were submitted on 07.11.2016 to the Chief Engineer of PWD, Plan Formulation, Chennai -5. It is also mentioned that the Director of Geological Survey of India could be contacted for obtaining mineralogical report of the samples.

6. The counsel for the writ petitioner submitted that the writ petitioner is ready to extend his fullest cooperation with the department.

7. Considering the public interest involved in the matter, we direct the third respondent to act on the representation dated 27.06.2017 submitted by the writ petitioner proposing the use of Silica sand in the place of river sand as an alternative material for the construction activities. The third respondent shall dispose of the representation after taking into account all the relevant factors within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar



To

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Soil Mechanics & Research (SM & R) Division,
Water Resources Organization,
Chepauk, Chennai - 600 005.

+1 cc to MR.T.Lajapathi Roy , Advocate in SR.No. 69945

+1 cc to The Special Government Pleader in SR.No.70222

skm/Arul

AE/MR KKR/SAR2/23.08.2017/3P/7C

W.P(MD)No.12820 of 2017
01.08.2017