



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P.[MD].No.17571 of 2017

and

W.M.P (MD) .No.14098 and 14099 of 2017

Palchamy : Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director [Mines],
Virudhunagar District, Virudhunagar.
- 3.The Special Revenue Inspector [Mines],
Virudhunagar District, Virudhunagar.
- 4.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 5.The Tahsildar,
Virudhunagar Taluk & District.
- 6.The Village Administrative Officer,
Thathampatti Village, Virudhunagar District.

7.Sathiya Prabhu : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings in Na.Ka.K.V.1/454/2017, dated 17.07.2017 and quash the same as illegal, arbitrary and further direct the respondents 1 to 6 herein not to grant any license to start a Granite Quarry in Survey Nos.145/1, 145/2, 145/3A, 145/3B, 146/2 and 146/3A in Chinnathathampatti Village, Virudhunagar Taluk and District.



For Respondents 1 to 6

: Mr.S.Kumar

Additional Government Pleader

For Respondent No.7

: Mr.G.Prabhu Rajadurai

WEB COPY

O R D E R

[Order of the Court was made by The Hon'ble Chief Justice.]

This Writ Petition has been filed, *inter alia*, seeking directions on the respondents 1 to 6 not to grant any licence for starting of a granite quarry in S.Nos.145/1, 145/2, 145/3A, 145/3B, 146/2 and 146/3A in Chinnathathampatti Village, Virudhunagar Taluk and District.

2. The grant of quarry licence and/or permit is an executive function. It is not for the judiciary to supervise or take over the executive functions of issuance of licence for quarrying granite. This Court neither has the competence nor the expertise to decide the issues purported to be raised by the petitioner. Whether operation of a granite quarry will affect agricultural activities in the vicinity or aggravate drought or cause damage to houses and buildings, is a matter, which has to be examined by experts in the field. We are also not in a position to decide whether quarry operations will affect the ground level water in the area as alleged.

3. It is unfortunate that there has been little or no rain in the area in question for several years resulting in drought. Drought is an act of God and little can be done. It is for the District Administration to adopt drought control measures based on research and study by experts in the field, to take steps to procure and supply water and take such steps as may be deemed and advisable to protect the environment.

4. The Writ Petition cannot be entertained and the same is dismissed. However, the District Administration shall ensure that any quarrying activities are carried out strictly in accordance with law and strictly in terms of the permits/licences granted by the authorities concerned and in case of any breach, take stringent action in accordance with law against the lessees/licencees/permit holders. The respondent authorities shall also take all possible steps to protect the environment in the area in question. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director [Mines],
Virudhunagar District, Virudhunagar.
- 3.The Special Revenue Inspector [Mines],
Virudhunagar District, Virudhunagar.
- 4.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 5.The Tahsildar,
Virudhunagar Taluk & District.
- 6.The Village Administrative Officer,
Thathampatti Village, Virudhunagar District.

+One cc to M/s.G.M.Law Office, Advocate, SR.No.89994

+One cc to Mr.G.Prabhu Rajadurai, Advocate, SR.No.90056

+One cc to The Special Government Pleader, SR.No.90236

rsb/nb

RL/10C/3P/SKN/RSK/SAR1/12/12/2017

ORDER MADE IN

W.P. [MD].No.17571 of 2017

28.11.2017