



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2017

CORAM :

WEB COPY

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

W.P (MD) No.19647 of 2017

and

W.M.P (MD) Nos.15919 to 15922 of 2017

C.Mathiyarasan

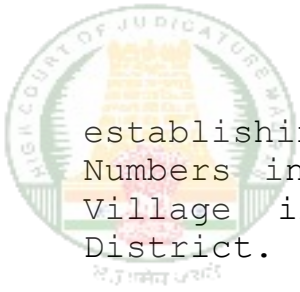
... Petitioner

vs.

- 1) The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2) The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.
- 3) The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.
- 4) The Tashildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 5) The Assistant Director of Mines
Collector Office Campus,
Ramanathapuram,
Ramanathapuram District.
- 6) The Assistant Executive Engineer,
Public Works Department,
Keezhvaigai Division,
Paramakudi,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order in Na.Ka.G&M2/158/2016 dated 26.09.2017 and Na.Ka.G&M.1/158/2016 dated 13.10.2017 and quash the same and consequently forbear the Respondents from



establishing sand quarry at survey No.8 or any other survey Numbers in Virusuzhi riverbed in Kookudi Village, Kattavilagam Village in Kookudi Group, Thiruvadanai Taluk, Ramanathapuram District.

WEB COPY For Petitioner : Mr.M.Karthikeya Venkitachalpathy

For Respondents : Mr.Raja Karthikeyan
Additional Government Pleader

ORDER

**(Order of this Court was made by
the Hon'ble Chief Justice)**

This writ petition has been filed challenging an order No.Na.Ka.G&M2/158/2016 dated 26.09.2017 and order No.Na.Ka.G&M.1/158/2016 dated 13.10.2017 with regard to quarrying of sand in Virusuzhi riverbed in Kookudi Village and Kattavilagam Village of Thiruvadanai Taluk, Ramanathapuram District.

2. This Court cannot decide technical questions with regard to the effect of quarrying of sand in riverbeds. Decisions with regard to permission to quarry sand have to be taken by the authorities concerned upon obtaining expert opinion and of course environmental clearance from the concerned authorities.

3. Learned counsel appearing on behalf of the petitioner submits that their grievance is that those quarrying sand are with impugntly infringing the terms and conditions of the permit to quarry and as against permission to quarry sand upto the depth of one metre, they are quarrying sand upto the depth of several metres.

4. Learned Additional Government Pleader appearing on behalf of the respondents submits that there is sand of depth of two meters in the part of the riverbed in respect of which order in Na.Ka.G&M.1/158/2016 dated 13th October 2017 has been issued.

5. We dispose of the writ petition by directing the respondents to ensure adherence to the terms and conditions of the permit/licence to quarry sand. If the petitioner finds that sand is being quarried beyond the limit permitted by the respondent authorities, he may draw the attention in writing of the respondents to such violation in which case, the respondent District Collector shall immediately have the quarry inspected to ascertain the allegations and in the event it is found that sand is being quarried beyond the permissible limit or terms and conditions of the permit/licence are being contravened, immediate remedial steps shall be taken including termination of the



quarrying permit/licence of the concerned lessee/licensee/permit holder. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

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/True Copy/

Sub Assistant Registrar

To

- 1) The District Collector,
Ramanathapuram District,
Ramanathapuram.
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Ramanathapuram District.
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Collector Office Campus,
Ramanathapuram,
Ramanathapuram District.
- 6) The Assistant Executive Engineer,
Public Works Department,
Keezhvaigai Division,
Paramakudi, Ramanathapuram District.

+ 1cc TO Mr.M.Karthikeya Venkitachalpathy, Advocate in SR No.83939
+1cc to The Special Government Pleader in SR.No.83862

bala/sj/rsb

AE/JC/SAR1/06.11.2017/3P/9C

ORDER MADE IN
W.P (MD) No.19647 of 2017
26.10.2017