



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.10193 of 2016

R.Xavier Dass

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
3. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
4. The Assistant Superintendent of Police,
Nanguneri,
Tirunelveli District.
5. The Assistant Director,
Mines and Minerals,
Tirunelveli District.
6. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
7. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to stop the illegal mining of sand from Nambiaru river including the petitioner's land in Survey Nos.586/3, 589/9, 589/9A, 589/9B, 589/9C, 589/10c and 589/11B at Rajakkamangalam Village, Nanguneri Taluk, Tirunelveli District in the light of the order dated 11.07.2015 passed by the first respondent in



Na.Ka.No.M2/33550/2015, dated 11.07.2015 directing the 3rd and 7th respondents to stop such illegal sand mining in the above river.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.T.R.Janarthanam,
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking for issuance of a writ of Mandamus directing the respondents to stop the illegal mining of sand from Nambiaru river including the petitioner's land in Survey Nos.586/3, 589/9, 589/9A, 589/9B, 589/9C, 589/10c and 589/11B at Rajakkamangalam Village, Nanguneri Taluk, Tirunelveli District, in the light of the order dated 11.07.2015 passed by the first respondent in Na.Ka.No.M2/3350/2015, dated 11.07.2015, directing the 3rd and 7th respondents to stop such illegal sand mining in the above said river.

2. The case of the petitioner is that he purchased a land measuring to an extent of 2 acres in Survey Nos.586/3, 589/9, 589/9A, 589/9B, 589/9C, 589/10c and 589/11B at Rajakkamangalam Village, Nanguneri Taluk, Tirunelveli District, in the name of his wife namely Krishnabai @ Stella Bai and the above said properties have been managed by the petitioner. It is the further case of the petitioner that Nambiaru river is located in the northern side of the above said land and is running east to west, hugging the above said land. Railway track of the southern railway from Nagercoil to Tirunelveli via Nanguneri is passing in the eastern side of the above said land and is running South to North, near the land. It is stated in the petition that illegal mining is taking place in the above said land for the past several months and some anti social elements are using Tempos, Lorries, Tractors and Bullock Carts for loading and are transporting sands illegally mined from the said Nambiaru river in the large scale and in that process, they have damaged the fencing of the above said land and are doing illegal mining in the above said land. In this regard, the petitioner submitted several petitions to the respondents requesting them to stop such illegal mining of sand, being carried out during night time and finally, the first respondent was pleased to issue a communication, dated 11.07.2015 to the third respondent/Sub-Collector, Cheranmahadevi, to take hectic steps to stop such illegal sand mining in Nambiaru river based upon the report filed by the fifth respondent. But, it is the case of the petitioner that till today no action was taken by the respondents. Therefore, the petitioner is before this Court with the above said



3. The seventh respondent filed a counter affidavit stating that in the discreet enquiry revealed that there were illegal quarrying of sand in Nambiaru River some time back and that Railway Authorities have constructed a wall to safeguard the railway track as well as to protect the railway lands and that on the orders passed by the first respondent, periodical action is being taken by the Authorities to prevent illegal sand mining. In fact, only the Public Works Department had granted permission to quarry the sand, but at present, there is no permission given for sand mining in the Nambiaru River and in order to prevent the menace of the illegal mining in the river sand and transportation of the same, the State Level Task Force for prevention of illegal mining and monitoring the mining activities has been created vide G.O.Ms.No.33 Industries Department dated 15.03.2006 with secretary to the Government and a District Level Task Force has been constituted with District Collector and Superintendent of Police as members vide Government Letter No.20008/Industries (MMA1) Department dated 19.12.2005 and the same was reconstituted as per G.O.Ms.No.135 Industries Department dated 13.11.2009. Apart from that, a Taluk Level Task Force consisting Revenue, Police, Public Works Department and Mines have been constituted and they are monitoring the alleged illegal sand mining. Serious actions have been taken against illegal sand mining and also to create awareness among the public and therefore, the apprehension expressed by the petitioner is unfounded and in fact, there were illegal mining earlier and now it has been totally stopped.

4. Heard the submissions made on either side.

5. Recording the statement made by the seventh respondent in their counter affidavit that there is no illegal mining, this Writ Petition stands closed. However, liberty is granted to the petitioner to approach the concerned authorities to take appropriate action, if he finds any illegal mining in the above said river. No Costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To,

1. The District Collector,
Tirunelveli District,
Tirunelveli.

<https://hcservicescourtsupplieservices>
2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.



3. The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
4. The Assistant Superintendent of Police,
Nanguneri, Tirunelveli District.
5. The Assistant Director,
Mines and Minerals, Tirunelveli District.
6. The Tahsildar,
Nanguneri Taluk, Tirunelveli District.
7. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

+1cc to Mr.S.R.Anbarasu, Advocate Sr.No.50219

pm

vb/kp/20.04.2017/4p/9c

W.P(MD)No.10193 of 2016
03.04.2017