



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.08.2017

CORAM :

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**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.5007 of 2017 and
W.M.P(MD)No.4042 of 2017

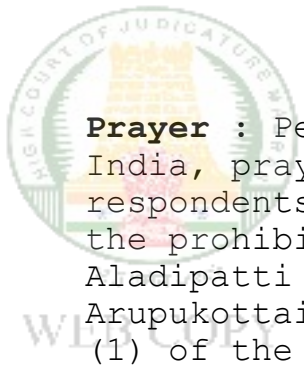
M.Sarath Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary,
Department of Mines and Minerals,
Fort.St.George, Chennai-9.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Assistant Director of Geology and Mining,
O/o. The Assistant Director of Geology and Mining,
Collectorate, Virudhunagar.
4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Aruppukottai Taluk, Virudhunagar District.
5. The Tahsildar,
O/o.The Tahsildar,
Aruppukottai Taluk, Virudhunagar District.
6. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
7. The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli Taluk,
Virudhunagar District.
8. R.Anan Prabhu
9. C.Balasuramanian
- 10.M.Saravanaganeshan
- 11.D.Muthaiah
- 12.V.Rajkumar
- 13.R.R.Senthilkumar Raju

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 8 to 13 from quarrying rough stone and gravel within the prohibited distance of 500 meters from the water namely Aladipatti Tank situated in S.No.77 at Aladipatti Village, Arupukottai Taluk, Virudhunagar District in violation of The Rule 36 (1) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Govindan,
Spl., Govt. Pleader for RR1 to 7

Mr.R.Pandi Maharaja for RR8 and 10

Mr.J.Lakshmi Prasanna
for Mr.Thiagaraja for R9

Mr.Veerakathiravan, Senior Counsel
for M/s.Veera Associates
for Mr.Jeganathan for R13

R.Ramadurai for R11

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for forbearing the private respondents from quarrying rough stone and gravel in Aladipatti Tank situated in S.No.77 at Aladipatti Village, Arupukottai Taluk, Virudhunagar District.

2.The ground on which such an order of restraint is sought is that quarrying would violate the Rules set out in Rule 36(1) of Tamil Nadu Minor and Mineral Concession Rules, 1959.

3.When the case was taken up for hearing, it was pointed out by Mr.Veerakathiravan, learned Senior Counsel appearing for the 13th respondent that the prohibition of quarrying within 500 meters from the water body would apply only in the case of sand quarrying and not in the case of rough stone and gravel. Therefore, invocation of the said Rule in the present case was wholly misplaced.

4.We went through the said provision and we find that the said contention of the learned Senior Counsel for the private respondent is well founded. The third respondent has also filed a report stating that there is no violation of the statutory provisions in the present case. It is averred that quarrying permits were granted by the District Administration after following the legal procedure and after leaving 50 metres safety distance from Aladipatti Tank situated in S.F.No.77 of Aladipatti Village and 300 meter from the habitation. Since the requirement of maintaining 500 meters from



the water body is not applicable in this case, we find no reason to grant the relief sought for in this writ petition.

5. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of Mines and Minerals,
Fort.St.George, Chennai-9.
 2. The District Collector,
Virudhunagar District,
Virudhunagar.
 3. The Assistant Director of Geology and Mining,
O/o. The Assistant Director of Geology and Mining,
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O/o. The Tahsildar,
Aruppukottai, Virudhunagar District.
 6. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
 7. The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli Taluk,
Virudhunagar District.
- + 1 CC TO Mr.P.THIAGARAJAN, ADVOCATE IN SR No. 75293
+ 1 CC TO M/s.VEERA ASSOCIATES, IN SR No. 75235
+ 2 CC TO Mr.R.PANDI MAHARAJA, ADVOCATE IN SR No. 75708
+ 1 CC TO Mr.R.RAMADURAI, ADVOCATE IN SR No. 75261

SKM/ARUL

TE/MR-KKR/SAR-I : 10/10/2017 : 3P/13C