



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.07.2017
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P (MD) No.7398 of 2017
and
W.M.P (MD) Nos.5796 and 10048 of 2017

M.Subramaniam .. Petitioner
Vs.

- 1.The District Collector,
Karur District.
- 2.The District Revenue Officer,
Collectorate Office, Karur District,
Karur.
- 3.Revenue Divisional Officer,
Office of RDO,
North Pradakshanam Road,
Karur District, Karur.
- 4.District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.26, Ramakrishnapuram West,
Karur - 639 001.
- 5.The Director of Geology & Mining,
Mines Department, Collectorate Complex,
Karur District, Karur.

6.K.Periyasamy .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to take immediate steps to prevent the sixth respondent from quarrying rough stones such as aralai, jelly and sholing and such other materials in his patta lands in S.Nos.276/2, 277/2, 278/A1 in an extent of about 0.40.5, 0.40.5, 1.65.0 hectares respectively in Aathur Village, Manmangalam Taluk, Karur District and consequently direct the respondents to take serious action as per law against the sixth respondent for illegal quarrying in the above said lands.



For Respondent No.6 : Mr.M.Vallinayagam,
Senior Counsel for Mr.G.Mohankumar.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 to 5 to take immediate steps to prevent the sixth respondent from quarrying rough stones and other materials in the petitioner's patta lands, situate in Aathur Village, Manmangalam Taluk, Karur District and also to direct the respondents 1 to 5 to take serious action as per law against the sixth respondent for illegal quarrying in the above said lands.

2.The petitioner claims that he is the owner of patta lands in Survey Nos.276/2, 277/2 and 278/A1, admeasuring around 5 acres. According to the petitioner, the sixth respondent is quarrying illegal mining operations in the adjacent lands, which causes great inconvenience as well as damage to his property. The grievance of the petitioner is that since he has given various representations to the authorities for taking necessary action against the sixth respondent for illegal quarrying, they have not taken any action so far. Hence, the present writ petition is filed.

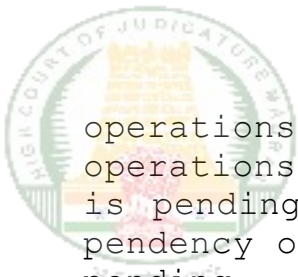
3.Upon notice, the first respondent filed a counter affidavit, wherein it has been specifically stated that there is no illegal quarrying operations. In paragraphs 16 and 18, it is stated thus:

"16.It is submitted that the Tahsildar, Manmangalam in his report vide Rc.No.A1/1796/2017, dated 08.06.2017 has also reported that, during his local inspection no quarrying activities are noticed in the old worked pit of the previous lease granted area.

... ..

18.With regard to the averments made in ground A,B,C it is submitted that the Tahsildar, Manmangalam Taluk in his letter vide Rc.No.A1/1796/2017, dated 08.06.2017 has stated that, previously rough stone quarrying lease had been granted to the 6th respondent in patta lands S.F.No.276/2, 277/2 and 278/A1 over an extent of 2.46.0 hecets of Athur Village, Manmangalam Taluk, Karur District vide District Collector's Proceeding Rc.No.194/G&M/2008, Dated 24.06.2008 for a period of 5 years and the lease period expired on 20.07.2013. Finally he has reported that, during inspection no quarrying activities are noticed in the old worked pit of the previous lease granted area. Hence the contentions put forth by the petitioner in this regard may be rejected as devoid of merits".

4.The learned senior counsel appearing for the sixth respondent submits that the sixth respondent was in quarrying



operations till the year 2013 and now he has stopped the quarrying operations as his application for renewal for quarrying operation, is pending. According to the learned senior counsel, because of pendency of this writ petition, their renewal application, is kept pending.

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5. In reply, the learned counsel for the petitioner submits that paragraph 16 of the counter affidavit filed by the first respondent, is not supported by any valid inspection after due notice to the petitioner.

6. Heard both sides and perused the materials available on record.

7. To give quietus, the first respondent is directed to conduct an inspection after giving due notice well in advance to the petitioner as well as to the sixth respondent and complete the same within a period of two weeks from the date of receipt of a copy of this order and pass appropriate orders on merits and in accordance with law, within a period of four weeks, thereafter.

8. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector, Karur District.
2. The District Revenue Officer,
Collectorate Office, Karur District, Karur.
3. The Revenue Divisional Officer, Office of RDO,
North Pradakshanam Road, Karur District, Karur.
4. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.26, Ramakrishnapuram West, Karur - 639 001.
5. The Director of Geology & Mining, Mines Department,
Collectorate Complex, Karur District, Karur.

+1CC to M/S.G.Mohan Kumar, Advocate, SR.No. 65144

+1CC to M/S.Karthik, Advocate, SR.No. 65135

+1CC to the Special Government Pleader SR.No. 65666

ORDER MADE IN
W.P(MD)No.7398 of 2017

and
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