



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **17.03.2017**
CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P(MD)No.25114 of 2016

and W.M.P(MD)No.18155 of 2016

K.Palsamy .. Petitioner

Vs.

1.The District Collector,
Ramanathapuram.

2.The Assistant Director,
Geology and Mining,
Collectorate,
Ramanathapuram.

3.The Sub-Collector,
Paramakudi Division,
Ramanathapuram District.

4.The Executive Engineer,
Public Works Department/
Water Resources Management,
Gundar Vadinila Kottam, Madurai.

5.The Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 2.

6.The State Level Environment Impact
Assessment Authority,
Tamil Nadu Panagal Maligai,
Saidapet, Chennai - 15. .. Respondents
(RR 5 & 6 were impleaded vide order, dated
11.01.2017 made in W.M.P(MD)No.466 of 2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, restraining the respondents from conducting any quarry operations permanently in Survey Nos.323 to 325, 16 to 21, 22 and 257/2 falling under Aapannor, Mangalam, Kadaladi and A.Usilangulam Villages of the Gundar river respectively.



For Petitioner
For RR 1 to 4
For R - 6

: Mr.R.Venkateswaran
: Mr.M.Govindan,
Special Government Pleader.
: Mr.Aayiram K.Selvakumar,
Government Advocate.

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ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to give necessary direction to the first respondent for restraining the remaining respondents from conducting any quarry operation permanently in Survey Nos.323 to 325, 16 to 21, 22 and 257/2 falling under Aapannor, Mangalam, Kadaladi and A.Usilangulam Villages of the Gundar river respectively, by way of issuing a Writ of Mandamus.

2.The learned counsel appearing for the petitioner has contended that in the survey numbers mentioned in the petition, there is a river, by name Gundar, in some places it is called Malattar and now the respondents are making arrangements to create a permanent quarry operation. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

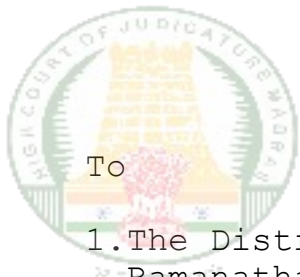
3.The learned Special Government Pleader appearing for the respondents 1 to 4 has contended to the effect that for granting licence to start quarry operation, the first respondent has to send proposal to the respondents 5 and 6 and the respondents 5 and 6 has to consider the same.

4.In the instant case, a proposal has been sent by the first respondent to the respondents 5 and 6 and the same is pending on their file.

5.Considering the contention putforth on the side of the respondents 1 to 4, it is learnt that so far no quarry operation is being conducted in the rivers mentioned in the petition. Under the said circumstances, this Court is inclined to pass the following order.

6.In fine, this Writ Petition is allowed without costs. The petitioner is directed to give a representation to the first respondent and the first respondent is directed to look into the same within a period of one month from the date of receipt of such representation. Consequently connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR



To

1.The District Collector,
Ramanathapuram.

2.The Assistant Director,
Geology and Mining,
Collectorate,
Ramanathapuram.

3.The Sub-Collector,
Paramakudi Division,
Ramanathapuram District.

4.The Executive Engineer,
Public Works Department/
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Gundar Vadinila Kottam, Madurai.

5.The Tamil Nadu Pollution Control Board,
76, Mount Salai,
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6.The State Level Environment Impact
Assessment Authority,
Tamil Nadu Panagal Maligai,
Saidapet, Chennai - 15.

+1 CC TO MR.R.VENKATESWARAN,ADVOCATE,SR NO.15847

+1 CC TO SPECIAL GOVERNMENT PLEADER ,SR NO.15827

ps

MAS/SV-MMS/SAR2:23.03.2017:3P-9C

ORDER MADE IN
W.P (MD) No.25114 of 2016
and
W.M.P (MD) No.18155 of 2016
17.03.2017