



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

**W.P(MD) No.7975 of 2016 and
W.M.P. (MD) Nos.6525 and 16273 to 16275 of 2016**

S.Mohammed Yousuf

... Petitioner

-VS-

1. The Member Secretary,
State Level Environment Impact,
Assessment Authority,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.
2. The District Collector,
Madurai District,
Madurai.
3. The Additional Director of Geology and Mining,
Madurai District, Madurai.
4. The Tahsildar,
Melur Taluk,
Madurai District.
5. R.Veeramani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to stop the quarry operation done by the 5th respondent in Survey No.399/2A (P-2) in Vanjinagaram Village Melur Taluk Madurai District.

For Petitioner : Mr.R.J.Karthick

For R1 to R4 : Mr.S.Kumar
Addl. Govt. Pleader

For R5 : Mr.M.Saravanakumar

**ORDER**

This writ petition has been filed, seeking to direct the the respondents 1 to 4 to stop the quarry operation done by the 5th respondent in Survey No.399/2A (P-2) in Vanjinagaram Village Melur Taluk Madurai District.

2. Heard the learned counsel for the parties.

3. The case of the petitioner is that the 2nd respondent herein called for a tender-cum-auction vide proceedings dated 06.11.2015 for conducting quarry operations inspite of the fact that the proposed quarry area is situated in the prohibited area under the Tamil Nadu Minor Mineral Concession Rules and subsequently, pursuant to the order issued by the 2nd respondent, the 5th respondent started the job of blasting for quarrying the granite. Therefore, aggrieved by the action of the respondents 1 to 4 granting license to the fifth respondent, the petitioner is before this Court with the above prayer.

4. Learned counsel for the petitioner would submit that the order dated 02.03.2016 granting quarry license to the fifth respondent came to be passed without affording any opportunity of hearing to the petitioner, who is the abutting land owner.

5. On 06.07.2017, this Court had appointed an Advocate Commissioner to inspect the area so as to have a clear picture on the issue and directed to file a report before this Court, pursuant to which, the Advocate Commissioner has filed a detailed report for this Court's perusal.

6. However, after elaborate argument, learned counsel for the petitioner and the learned counsel for the fifth respondent pleaded before this Court that it would suffice if the respondents 2 & 3 are directed to once again apprise the issue and take a decision with regard to granting quarry license to the fifth respondent, after hearing the respective parties.

7. In view of the above submissions, this Court, without going into the merits of the matter, directs the respondents 2 & 3 to conduct a thorough enquiry into the matter and thereafter, take a decision in one way or the other within a period of six weeks from the date of receipt of a copy of this order, after giving advance notice to the petitioner, the fifth respondent and any of the interested parties. It goes without saying that while passing orders, the report of the Advocate Commissioner and the revenue records shall be taken into consideration.

<https://hcservices.courts.gov.in/hcservices/> direction has been issued to the respondents 2 & 3 for fresh appraisal, as requested by the respective parties, the petition filed in W.M.P(MD)16273 of 2016, seeking to amend the



prayer so as to quash the impugned order dated 02.03.2016 is closed. Consequently, connected miscellaneous petitions are also closed.

With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

1. The Member Secretary,
State Level Environment Impact,
Assessment Authority,
3rd Floor, Panagal Maaligai,
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2. The District Collector,
Madurai District,
Madurai.
3. The Additional Director of Geology and Mining,
Madurai District, Madurai.
4. The Tahsildar,
Melur Taluk,
Madurai District.

+1 cc to Mr.R.J.Karthick , Advocate in SR.No. 71123
+1 cc to Mr.M.Saravanakumar , Advocate in SR.No. 71112
+1 cc to The Special Government Pleader in SR.No.71693

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AE/JC/SAR2/18.08.2017/3P/8C

W.P(MD)No.7975 of 2016
08.08.2017