

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.10852 of 2018 and  
W.M.P.Nos.12806 and 12807 of 2018

1.B.Venkatachalam  
2.R.Kannathasan  
3.S.Vetriselvam  
4.R.Senthil Kumar  
5.G.Sundharaj

....Petitioners

-vs-

- 1.The Government of Tamil Nadu,  
rep.by the Commissioner,  
Department of Geology and Mining,  
Thiru.Vi.Ka.Industrial Estate,  
Alandur, Guindy, Chennai-600 032.
- 2.The District Collector,  
Thiruvarur District,  
District Collectorate,  
Thiruvarur.
- 3.The District Level Environment Impact Assessment Authority,  
rep.by its Member Secretary,  
Office of the Revenue Divisional Officer,  
South Street, Thiruvarur.
- 4.The Assistant Director,  
Department of Geology and Mining,  
Collectorate, Ramanathapuram.

5.S.Muruganandham

....Respondents

Petition filed 222under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus after calling for the concerned records relating to the quarrying permission bearing R.C.No.315/(G & M)/2016 dated 14.11.2017 (Ex-A) passed by the second respondent Collector in favour of the fifth respondent for a period of two years and to quash the same as being illegal, arbitrary and violative of Article 21 of the

Constitution of India and for a consequential mandamus forbearing the respondents herein, their agents or servants from granting any quarrying permission in Engan Village, Kodavasal Taluk, Thiruvavarur District without calling for objections from the concerned villagers.

For Petitioners:: Mr.R.Chandramohan

For Respondents:: Mr.E.Manoharan, AGP for  
R1 to R4

No appearance for R5

ORDER  
(Made by HULUVADI G.RAMESH, J.)

This writ petition has been filed to set aside the quarrying permission given to the fifth respondent by the second respondent, by proceedings dated 14.11.2017 on the ground that it is illegal, arbitrary and violative of Article 21 of the Constitution of India.

2. When this writ petition was taken up, the learned Additional Government Pleader appearing for the respondents 1 to 4 has produced a counter affidavit on behalf of the respondents 2 and 4, in which it is stated that the Revenue Divisional Officer, Thiruvavarur, has inspected the site in question and after issuing A1 notice and no objection was received, gave the Land Availability Report to the Assistant Director, Geology and Mining, Nagapattinam / Thiruvavarur District and based on such report, the land was inspected by the Assistant Director (Mines) and precise area was communicated. The subject area was placed for the approval of the District Environment Appraisal Committee and only after getting approval, the said project was given clearance by the District Level Environmental Impact Assessment Authority, Thiruvavarur. It is also stated that it is incorrect to state that the District Level Environmental Impact Assessment Authority, Thiruvavarur has mechanically granted environment clearance without properly assessing the impact on the flora and fauna due to the quarrying operations. It is also stated that the said authority has granted clearance only on proper verification of connected records and mining plan produced by the recognised qualified person. It is further stated that the grant of quarry permission to the fifth respondent is as per the Act and Rules in force and clearances have been given only based on the same. It is also specifically stated that the action of the third and fourth respondents are not contrary to the directions issued by the Hon'ble Supreme Court. Further it is stated that the fifth respondent has executed the lease deed with the District Collector stating that he would obey the conditions that are imposed by the District Collector for the

smooth functioning of the quarry.

3.In view of the above stated circumstances, we are not inclined to issue a Mandamus as prayed for by the petitioners in this writ petition. The writ petition is dismissed as devoid of merits. No costs. Consequently the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

KM

To

- 1.The Commissioner,  
Government of Tamil Nadu,  
Department of Geology and Mining,  
Thiru.Vi.Ka.Industrial Estate,  
Alandur, Guindy, Chennai-600 032.
- 2.The District Collector,  
Thiruvarur District,  
District Collectorate,  
Thiruvarur.
- 3.The Member Secretary,  
District Level Environment Impact Assessment Authority,  
Office of the Revenue Divisional Officer,  
South Street, Thiruvarur.
- 4.The Assistant Director,  
Department of Geology and Mining,  
Collectorate, Ramanathapuram.

+1 CC to Govt. Pleader sr 57687.

W.P.No.10852 of 2018 and  
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VGII (CO)  
SP(18/09/2018)