

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 12408 of 2018

G.Prabakar, Proprietor,
Arungarai Amman Blue Metals.

..... Petitioner

Vs.

The Project Director,
National Highways Authority of India,
Door No.9/9A, 4th Cross Street,
Kothari Layout, (Opp.Stock Exchange),
Trichy Road, Singanallur P.O.
Coimbatore 641 005.

..... Respondent

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to forthwith consider and pass orders on the representation of the petitioner dated 30.04.2018 in accordance to law with respect to objecting the laying of roads in the petitioner's lands comprised in SF.No.843/3 part, 844/2, 845 and 831 in Nadanthai Village, Aravakurichi Taluk, Karur and requesting for project realignment of the proposed Karur-Coimbatore six-lane road by not passing through petitioner's lands.

For Petitioner : Mr.P.Saravana Sowmiyan
For Respondent : Mrs.S.R.Sumathy

O R D E R

Mrs.S.R.Sumathy, learned counsel, takes notice for the respondent.

2. By mutual consent of both sides, the Writ Petition itself is taken up for final disposal.

3. The grievance of the petitioner is that the petitioner is running a rough stone and gravel quarry in Nadanthai Village, Aravakurichi Taluk, Karur. The petitioner obtained mining lease for a period of 5 years from the District Collector, Karur. A proposal has been made to lay six-lane road from Karur to Coimbatore, due to which, the officials visited the petitioner's land and marked for acquisition in Survey Nos.843/3 part, 844/2, 845 and 831. If the road is laid, the petitioner will be caused

hindrance both business and to the commuters because of the norms fixed by the Tamil Nadu Pollution Control Board for location of stone crushing units by its various Board proceedings. Hence, the petitioner made a representation to the respondent for project realignment of the proposed six-lane road by not passing through his lands in order to maintain the prohibitory distance of 300 metres as contemplated under the Tamil Nadu Minor Mineral Concession Rules, 1959 and 500 metres as stipulated in Tamil Nadu Pollution Control Board's BPMS No.4 dated 02.07.2004 with respect to running of rough stone quarry and stone crushing unit. The respondent has not taken any effective steps. Hence, the petitioner is before this Court by filing the present writ petition.

4. Heard Mr.P.Saravana Sowmiyan, learned counsel, appearing for the petitioner. Mrs.S.R.Sumathy, learned counsel, appearing for the respondent.

5. Taking into consideration the limited scope of the prayer now made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the representation, is constrained to direct the respondent to consider the representation submitted by the petitioner, dated 30.04.2018 and pass orders on merits and in accordance with law, after issuing notice to the petitioner and after conducting enquiry, on or before 31.07.2018.

6. With the above said direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg/rpl
To

The Project Director,
National Highways Authority of India,
Door No.9/9A, 4th Cross Street, Kothari Layout,
(Opp.Stock Exchange),
Trichy Road, Singanallur P.O. Coimbatore.

+1 CC to Mr.P. Saravana Sowmiyan, Advocate sr 33633.

W.P.No. 12408 of 2018

SP(21/05/2018)