

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13580 of 2018
& WMP Nos.15999 & 16000 of 2018

M.Thamizhselvam ... Petitioner

Vs.

1.State rep., by its Secretary,
Public Works Department,
Fort St. George, Chennai-600 009.

2.The District Collector,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur Sub Division,
Thiruvallur.

4.The Tahsildar,
Uthukkottai Taluk,
Thiruvallur District.

5.The Executive Engineer PWD/WRO,
Public Works Department,
Mining and Monitoring Division,
Villupuram-605 602.

6.The Member Secretary,
State Level Environment Impact
Assessment Authority,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.

7.The Assistant Director,
Geology & Mines Department,
Thiruvallur District.

8.The Project Director,
Sand Quarrying Operations,
Public Works Department,
Chepauk, Chennai-600 005.

... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records of the sixth respondent relating to the impugned order in the Environmental Clearance Lr.No.SEIAA-TN/F.No.6442/EC/1(a)/3958/ 2017 dated 06.11.2017 issued by the 6th respondent to the 5th respondent for quarrying sand in River araniyar at S.F.No.558(P) Uthukottai Village, Uthukottai Taluk, Tiruvallur District, quash the same and consequently direct respondents 5 and 8 or its agents may forbear from quarrying sand in river Araniyar at S.F.No.558(P) Uthukottai Village, Uthukottai Taluk, Tiruvallur District.

For Petitioner : Mrs.R.Maheswari

For Respondents : Mr.Vijay Narayan,
Advocate General,
Asst. by Mr.T.N.Rajagopalan,
Govt. Pleader for R1 to R5, 7 & 8
No appearance for R6

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

This Public Interest Litigation has been filed inter alia alleging that indiscriminated illegal mining is going on at the instance of the fifth respondent.

2. When the writ petition is taken up for hearing, the learned Advocate General appearing for the respondent Nos.1 to 5, 7 and 8, would fairly submit that considering the similar averments, this Court in W.P.No.22433 of 2017 by an order dated 06.07.2018 was pleased to appoint a Monitoring Committee to look into the similar grievance made. Therefore, the very same Monitoring Committee may be directed to look into the present case as well. The petitioner can ventilate his grievance before the Committee, which would look into the same and take appropriate action, if required.

3. The learned counsel appearing for the petitioner would submit that under those circumstance, the petitioner may be given liberty to approach the Committee.

4.The learned Advocate General would further submit that the petitioner may approach the Committee headed by the Project Director, Sand Mining, Tamil Nadu, by way of complaint and if any such complaint is made to the aforesaid authority, he shall look into it after due consultation with the Committee and thereafter take appropriate action.

5. The order dated 06.07.2018 passed by this Court in a similar matter in W.P.No.22433 of 2017 reads thus.

"36.The first respondent, after taking note of the Environmental Clearance, has accorded necessary permission to start a new sand quarry in S.No.643/1, Oruvandur Village for a period of two years subject to the conditions imposed by the Joint Committee and it cannot be faulted with in the absence of any legal and tenable grounds. However, this Court is of the considered view that the Taluk and District Level Task Forces may not be in a position to carryout the duties and responsibilities, especially in the light of the fact that the quarrying operations is being done by the State Government and therefore, an independent monitoring agency is to be put in place to oversee the said operations and submit a periodical report to this Court. Therefore, a Monitoring Committee is constituted with the following members:

- (i) Dr.A.Arun Thamburaj, I.A.S.,
Project Director (Sand Mining),
Tamil Nadu.
- (ii) Mr.Mohan,
Professor and Head of the Department,
Department of Environment and Water
Studies.
Indian Institute of Technology (I.I.T),
Sardar Patel Road, Opp. to C.L.R.I.,
Adyar, Chennai-600 036.
- (iii) Dr.S.Ganapathy Venkata Subramaniam,
Professor, Department of Environment
Studies,
Anna University,
Opp. to Gandhi Mandapam,
Sardar Patel Road, Guindy, Chennai-600
025.
- (iv) Dr.V.Pugazhendi,

Senior Hydro Geologist (Retd.)
TWAD Board, Chennai.

37. In the result, this Writ Petition is dismissed, subject to the above directions. No costs. Consequently, connected miscellaneous petitions are closed. Call on 03.08.2018 for submission of the report with annexures by the Monitoring Committee.

38. Since two of the Monitoring Committee members are already in service, necessary honorarium/expenses and other incidental expenses relating to their visits shall be borne by the Public Works Department. Insofar as the fourth respondent, namely Dr.V.Pugazhendi, who is a retired TWAD Board personnel, Rs.15,000/- (Rupees Fifteen Thousand Only) per visit, apart from travelling and other incidental expenses, shall be paid. The said Committee is also entitled to make periodical surprise visits to the quarry in question and submit periodical Status Report, as ordered by this Court in this order."

6. In view of the above, we do not find any reason to keep the writ petition pending. Thus, we hold that the Monitoring Committee already constituted in W.P.No.22433 of 2017 in pursuant to the order dated 06.07.2018 as extracted above would continue for the present case as well. The petitioner is at liberty to approach the said Committee to ventilate his grievance. It is needless to state that the said Committee shall look into the grievance and take action apart from carrying out the directions issued already by the Court in a similar case, which shall be applied to this case as well. The petitioner is given further liberty to file appropriate application in the present writ petition, if required for further directions.

7. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Public Works Department,
Fort St. George, Chennai-600 009.

2.The District Collector,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur Sub Division,
Thiruvallur.

4.The Tahsildar,
Uthukkottai Taluk,
Thiruvallur District.

5.The Executive Engineer PWD/WRO,
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7.The Assistant Director,
Geology & Mines Department,
Thiruvallur District.

8.The Project Director,
Sand Quarrying Operations,
Public Works Department,
Chepauk, Chennai-600 005.

+1cc to Mr.G.Hema, Advocate, S.R.No.45801

+1cc to Mr.R.Maheswari, Advocate, S.R.No.45142

+1cc to the Government Pleader, S.R.No.45294

(CO)

GSP(13/07/2018)

W.P.No.13580 of 2018