



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:06.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition (MD) No.2795 of 2018
and

W.M.P.(MD).No.2960 of 2018

Subramani

... Petitioner

Vs.

1.The District Collctor,
Pudukkottai, Pudukottai District.

2.The District Revenue Officer,
Pudukkottai, Pudukottai District.

3.The Thasildar, Pudukkottai, Pudukottai District.

4.The Deputy/Assistant Director,
Department of Geology and Mine,
Collectorate, Pudukkottai, Pudukottai District.

5.C.Jothi .. Respondents
(R- 5 is impleaded vide court order
dated 18.04.18 in W.M.P.(MD).No.5093/2018)

Prayer:Petition filed under Article 226 of the Constitution of India
praying for the issuance of Writ of mandamus by directing the 1st
respondent not to allow quarry in survey number 848/2 and survey
number 843 in Thulayanur Circle, Thirumayam Taluk, Pudukkottai
District by considering the representation of the petitioner dated
27.12.2017.

For Petitioner	: Mr.A.Arun Prasad
For Respondents	: Mr.A.K.Baskara Pandian Special Govt. Pleader for RR-1 to 4 Mr.N.Balakrishnan for R-5

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

This Public Interest Litigation has been filed by the
petitioner, seeking a direction to the first respondent to prohibit
quarrying lease in survey numbers 848/2 and 843 of Thulayanur
Circle, Thirumayam Taluk, Pudukkottai District, in the light of the
representation of the petitioner, dated 27.12.2017.



2. Heard both sides.

3. It appears from the records that the aforesaid areas were quarried earlier. The pits created get stagnated with water. The photographs produced by the petitioner would show that copious water is collected in the aforesaid places. However, in Sy.No.848/2, the report shows that water is not potable as against Sy.No.843. This Court has already issued a direction to find out and to take appropriate measures which are possible to make the water potable. Furthermore, lease has already been granted in Sy.No.843 in favour of the fifth respondent, since impleaded, which is in currency.

4. The counter affidavit filed by the first respondent also says that safety measures are already in force.

5. Under those circumstances, we direct the first respondent to find out and take appropriate measures on the feasibility of the water stagnated in Sy.Nos.848/2 and 843 to be converted into a water source. Endeavour should also be made to convert the water into a potable one. If such an exercise is possible, then, the first respondent shall take appropriate steps to protect the aforesaid places, which may include a decision not to permit the quarrying operation any longer. The aforesaid exercise shall be taken by the first respondent within a period of 8 weeks from the date of receipt of a copy of this order.

6. We also place on record the fact that fifth respondent has been granted quarrying licence only to an extent of 37 ares. Therefore, there is no difficulty for the first respondent to take appropriate steps to protect water available in Sy.No.843, for which quarrying lease has been granted. To be noted, for the aforesaid survey number, water is also found to be chemically potable. Thus, the first respondent shall take appropriate steps to safeguard the water situated in Sy.No.843.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd

ASSISTANT REGISTRAR (WRITS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The District Revenue Officer,
Pudukkottai, Pudukkottai District.



3.The Thasildar,
Pudukkottai,
Pudukkottai District.

4.The Deputy/Assistant Director,
Department of Geology and Mine,
Collectorate,
Pudukkottai,
Pudukkottai District.

1CC TO THE SPL GOVT PLEADER SR 77550

1CC TO MR A. ARUN PRASAD ADVOCATE SR 77770

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