



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P (MD) No. 3353 of 2018

and

W.M.P. (MD) No. 3509 of 2018

L.Thangapandi

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Assistant Director,
Department of Geology and Mining,
Theni District.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Theni.

4. The Tahsildar, Andipatti,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to allow quarry operation in S.Nos.1290 Part-I, II, III and IV, Karatupatti, Kovilpatti Village, Andipatti Post, Theni District by conducting auction, based on his representation dated 10.02.2018.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Murugan
Government Advocate
for R.1 , R.2 and R.4
: Mr.M.Govindan, for R.3

ORDER

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

By consent, the Writ Petition itself is taken up for final disposal.

2. Mr.M.Murugan, learned Government Advocate accepts notice on behalf of the respondents 1, 2 and 4. Mr.M.Govindan, learned Counsel accepts notice on behalf of the third respondent.



3. The Writ Petition, which is styled as Public Interest Litigation, is filed by a resident of Karattupatti, Kovilpatti, Andipatti Taluk, Theni District and according to him, he is working as an Executive, GAMESA Wind Mill Company, Network Engineering Section and in his village, for the past 15 years, a stone quarry was in operation in Survey No.1290 Part I, Part II, Part III and Part IV and the extent of land, in which quarry was in operation is approximately 2 acres.

4. The grievance expressed by the petitioner is that under the guise of quarrying stone, explosives are used, which is created noise and air pollution and thereby causing disturbance and serious health hazard to the nearby residents.

5. The learned Counsel appearing for the petitioner would submit that though the stone quarry is not in operation for some years on account of demand of M-sand, the official respondents are taking steps to lease out the quarry once again and in this regard he has also submitted a representation, dated 22.12.2017 followed by yet another representation, dated 10.02.2018 to the respondents and despite receipt of acknowledgement, no response is forthcoming and hence, the petitioner came forward to file this writ petition.

6. This Court heard the learned Government Advocate appearing for the respondents 1, 2 and 4 and the learned Counsel appearing for the third respondent.

7. This Court, taking into consideration the facts and circumstances of the case and without going into the merits of the case projected by the petitioner either in his representations dated 22.12.2017 and 10.02.2018 or in this Writ Petition, directs the respondents 1 to 3 either jointly or separately to consider and dispose of the petitioner's representation on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8. This Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar

To

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

1. The District Collector,
Theni District, Theni.



2. The Assistant Director,
Department of Geology and Mining,
Theni District.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Theni.

4. The Tahsildar, Andipatti,
Theni District.

+1cc to The Spl. Government Pleader Sr.No.49816

+1cc to Mr.M.Govindan, Advocate Sr.No.49468

+1cc to Mr.M.Jegadeesh Pandian, Advocate Sr.No.49619

SSL

VB/GT/SAR3/28.02.2018/3P/8C

**W.P (MD) No.3353 of 2018
and**

**W.M.P. (MD) No.3509 of 2018
19.02.2018**