



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.SATHYANARAYANAN**
and
THE HONOURABLE MRS.JUSTICE **R.HEMALATHA**

W.P(MD)No.571 of 2018
and
W.M.P(MD)No.571 of 2018

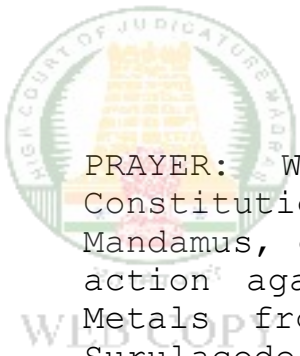
P.Vincent

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Asst. Director (Mines & Minerals),
Kanyakumari District, Nagercoil.
3. The Regional Transport Officer,
Kozhiporvilai, Mulakumoodu Post,
Kanyakumari District.
4. The Asst. Sub-Divisional Engineer,
State Highway Department,
Thakalai, Kanyakumari District.
5. The Divisional Engineer,
State Highways Department,
Veppamoodu, Nagercoil,
Kanyakumari District.
6. The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kanyakumari District.
7. M/s.R.R.M. Blue Metals,
Kanjikuzhy, Chithirancode,
Manalikai Post,
Kanyakumari District.
8. M/s.Lestham Blue Metals,
Surulacode, Surulacode Post,
Kanyakumari District.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 6 to initiate appropriate action against the heavy vehicles transporting overloaded Blue Metals from unauthorized stone quarries at Perinchilambu and Surulacode Villagers run by the seventh and eighth respondents through Chithirancode - Kulasekaram Road, Kulasekaram - Netta Road, Kumarapuram - Perunchilambu Road, Chithirancode - Verkilambi Road, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents 1 to 6 : Mr.A.K.Baskarapandian,
Special Government Pleader.

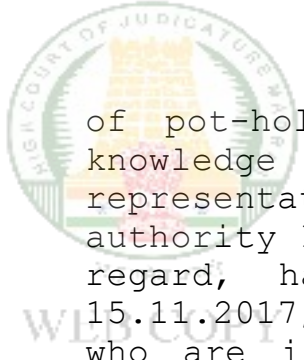
ORDER

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

By consent, this writ petition is taken up, for final disposal.

2.The petitioner is a practicing Advocate belonging to Padmanabhapuram Bar, having Tamil Nadu Bar Council Registration No.260 of 1995. The petitioner came forward to file this writ petition as a "Public Interest Litigation", stating among other things that his village namely, Alexanderpuram is located on the foot of South Western Ghats, Kothaiyar, Maramalai and Velimalai Hills and in the said area, there are four ecological sensitive areas and as per the notification of the Ministry of Environment and Forest, on Environment Impact Assessment, 2006, vide G.O.No.1533, dated 14.09.2006, all projects are classified as "Category 'B' Projects" and necessary impact assessment of environment, is also to be done by State Environment Impact Assessment Authority. The petitioner would further aver that in terms of Environment Impact Assessment Notification, bearing S.O.No.2731(e), dated 09.09.2013, Minor Mineral Mining Projects in an area of less than five hectares, also requires Environment Impact Assessment by the State Authority and as per the Judgment of the Hon'ble Supreme Court of India, dated 04.12.2006, made in W.P.No.460 of 2004, the projects within six kilometres from the prohibited area, are required to acquire approval from the National Board for Wildlife. The petitioner also made an allegation that since there is a total prohibition of mining in the neighbouring State of Kerala, the mining mafia had exploited plenty of mountain pockets of Western Ghats in Kanyakumari District, by taking advantage of the lackadaisical and insensitive attitude shown by the concerned Department officials and not

<https://hse.specoms.gov.in/hse-services> that, they started transporting the same, by using rigid vehicles, having multi axes and as a consequence, the roads used by them for those illegal activities, got faded and with full



of pot-holes and despite the said fact being brought to the knowledge of the concerned authorities through personal representations, for the reasons best known to them, the concerned authority had failed to take cognizance. The petitioner, in this regard, has also submitted a detailed representation, dated 15.11.2017, praying for appropriate action against the persons, who are illegally indulging in quarrying and transporting, and also stated the condition of the road. Since, it failed to evoke any amount of response from the authority concerned, the petitioner came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner, who has drawn the attention of this Court to the typed-set of documents and submitted his arguments based on the contents of the affidavit.

4. Mr. A.K. Baskarapandian, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 6.

5. Though, the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, directs the respondents 3 and 5 to cause inspection of the site in question and after putting the petitioner and respondents 7 and 8 on notice, shall consider and dispose of the petitioner's representation, dated 15.11.2017, on merits and in accordance with law and pass orders, within a period of ten weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner as well as to the respondents 7 and 8.

6. The writ petition stands disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Asst. Director (Mines & Minerals),
Kanyakumari District,
Nagercoil.



3. The Regional Transport Officer,
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4. The Asst. Sub-Divisional Engineer,
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5. The Divisional Engineer,
State Highways Department,
Veppamoodu, Nagercoil,
Kanyakumari District.

6. The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kanyakumari District.

+ 1 cc TO M/S.C.K.M.Appaji , Advocate in SR No. 42037

+ 1 cc TO The Special Government Pleader in SR No. 42240

smn

AE/KK/SAR2/24.01.2018/4P/9C

ORDER MADE IN
W.P (MD) No.571 of 2018
and
W.M.P (MD) No.571 of 2018
11.01.2018