



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

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W.P.[MD].Nos.11603, 11803, 2692, 2693 and 11804 of 2018
and
W.M.P.(MD).Nos.10569, 10744, 2866, 2867 and 10745 of 2018

W.P. (MD) .No.11603 of 2018:-

R.S.Ramkumar : Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur, Madurai 625 008.
3. The Revenue Divisional Officer,
Madurai, Madurai District.
4. The Tahsildar,
Vadipatti Taluk, Madurai District.
5. M/s.Sangu Sunai Blue Metals,
Rep by its Partners Malarmannan @ Selvam,
66, Mettupatti Village,
Senthamangalam, Palamedu [via],
Madurai 625 503.
6. M/s.Sankara Blue Metals,
Rep by its Proprietor, V.Rajamani,
66, Mettupatti Village,
Senthamangalam, Palamedu [via],
Madurai 625 503.
7. The Chief Engineer [PWD],
Water Resource Department,
Madurai Region, Gohale Road,
Madurai.



8. The District Forest Officer,
Madurai District Forest Office,
2, Race Course Road, Madurai 2.

9. The Block Development Officer,
Allanganallur Panchayat Union,
Allanganallur, Madurai 625 501.

: Respondents

[Cause-title was amended vide order dated 09.07.2018 in W.M.P. (MD).Nos.12810 of 2018]

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 and 7 to 9 to take action against the respondents 5 and 6 for having committed violations in running stone crusher units, viz., 1.Sangu Blue Metals , situated at R.S.Nos.246, 248 and 249 in Mettupatti Village and 2.Sangara Blue Metals, situates at S.F.Nos.251 [part] & 252/28 in Mettupatti Village, Vadipatti Taluk, Madurai District.

For petitioner	: Mr.T.Lajapathi Roy For Mr.M.Thirunavukkarasu
For respondents 1to4,7&8	: Mr.R.Sethuraman Special Government Pleader
For Respondent No.5	: Mr.N.Ananthapadmanaban
For Respondent No.6	: Mr.N.R.Elango Senior Counsel For Mr.G.Prabhu Rajadurai
For Respondent No.9	: Mr.B.Baghavathi Government Advocate

W.P. (MD) .Nos.11803 and 11804 of 2018:-

K.Periyasamy : Petitioner

Vs

1. The District Collector,
Madurai District.
2. The District Forest Officer,
Madurai District.
3. The Deputy Director of Geology and Mining,
Office of the Deputy Director of Geology and Mining,
Madurai District, Madurai.
4. The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Madurai District, Madurai.



5. The Tahsildar,
Office of the Tahsildar,
Vadipatti Taluk, Madurai District.
6. The Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur, Madurai .
7. The Chief Engineer,
Water Resource Department [PWD],
Madurai Region, Madurai.
8. The Joint Controller of Explosives,
A and D-Wing, Block 1-8, Second Floor,
Shasthri Bhavan, 26, Haddous Road,
Nungampakkam, Chennai 600 006.

: Respondents 1 to 8 in **W.P. (MD) Nos.11803 and 11804 of 2018**

9.A.S.Sekar : Respondent No.9 in **W.P. (MD) .No.11803 of 2018**
9.V.Mahendran : Respondent No.9 in **W.P. (MD) .No.11804 of 2018**

PRAYER in **W.P. (MD) .No.11803 of 2018**: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 8 to conduct an enquiry pertaining to the illegal mining by the respondent No.9 in Survey No.SF1 [part-2] in an extent of 2 hectares at Rajakkalpatti Village, Vadipatti Taluk, Madurai District and consequently to cancel the lease granted in favour of the respondent No.9.

PRAYER in **W.P. (MD) .No.11804 of 2018**: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 8 to conduct an enquiry pertaining to the illegal mining by the respondent No.9 in Survey No.12 [part] in an extent of 2 hectares at Manickampatti Village, Vadipatti Taluk, Madurai District and consequently to cancel the lease granted in favour of the respondent No.9.

For petitioner : Mr.C.M.Arumugam
For respondents 1 to 8 : Mr.R.Sethuraman
Special Government Pleader
For Respondent No.9 : Mr.N.R.Elango
Senior Counsel
For Mr.G.Prabhu Rajadurai

W.P. (MD) .Nos.2692 and 2693 of 2018:-



Vs

1. The Government of Tamil Nadu,
Rep by Principal Secretary,
Department of Geology and Mining,
Secretariat, Fort.St.George, Chennai.
2. The Commissioner of Geology and Mining,
Department of Geology and Mining,
Thiru.V.Ka.Industries Estate,
Guindy, Chennai 600 032.
3. The District Collector,
Office of the District Collectorate,
Madurai District, Madurai.
4. The District Forest Officer,
Madurai District, Madurai.
5. The Deputy Director of Geology and Mining,
Office of the Deputy Directorate of Geology and Mining,
Madurai District, Madurai.
6. The Assistant Director of Geology and Mining,
Office of the Assistant Directorate of Geology and Mining,
Madurai District, Madurai.
7. The Tahsildar,
Office of the Tahsildar,
Vadipatti Taluk, Madurai District, Madurai.
8. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District, Madurai.

: Respondents 1 to 8 in **W.P. (MD) .Nos.2692 and 2693 of 2018**

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|-------------|--|
| 9.A.S.Sekar | : Respondent No.9 in W.P. (MD) .No.2692 of 2018 |
| 9.Mahendran | : Respondent No.9 in W.P. (MD) .No.2693 of 2018 |

PRAYER in in **W.P. (MD) .Nos.2692 and 2693 of 2018:-**: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 8 to conduct an enquiry pertaining to the illegal mining by the respondent No.9 in Survey No.1 [part-2] Rajakkalpatti Village, Vadipatti Taluk, Madurai District and in Survey No.SF12[Part], Manickam Patti Village, Vadipatti Taluk, Madurai District, in an extent of 2 hectares and consequently to cancel the lease granted in favour of the respondent No.9.



For petitioner : Mr.T.Lajapathi Roy
For respondents 1 to 8 : Mr.R.Sethuraman
Special Government Pleader
For Respondent No.9 : Mr.N.R.Elango
[W.P. (MD) .No.2692 of 2018] Senior Counsel
For Mr.G.Prabhu Rajadurai
For Respondent No.9 : Mr.N.Ananthapadmanaban
[W.P. (MD) .No.2693 of 2018]

COMMON ORDER

[Order of the Court was made by **C.T.SELVAM, J.**]

The petitioners, in all the Writ Petitions, seek the following reliefs:-

(i). to issue a Writ of Mandamus directing the official respondents to take action against the private respondents for having committed violations in running stone crusher units, viz., 1.Sangu Blue Metals, situated at R.S.Nos.246, 248 and 249 in Mettupatti Village and 2.Sangara Blue Metals, situated at S.F.Nos.251 [part] & 252/28 in Mettupatti Village, Vadipatti Taluk, Madurai District;

(ii). to issue a Writ of Mandamus directing the respondents 1 to 8 to conduct an enquiry pertaining to the illegal mining by the respondent No.9 in Survey No.12 [part] in an extent of 2 hectares at Manickampatti Village, Vadipatti Taluk, Madurai District and consequently to cancel the lease granted in favour of the respondent No.9; and

(iii). to issue a Writ of Mandamus directing the respondents 1 to 8 to conduct an enquiry pertaining to the illegal mining by the respondent No.9 in Survey No.1 [part-2] Rajakkalpatti Village, Vadipatti Taluk, Madurai District and in Survey No.SF12[Part], Manickam Patti Village, Vadipatti Taluk, Madurai District, in an extent of 2 hectares and consequently to cancel the lease granted in favour of the respondent No.9.

2. The grievance of the petitioners, in a nutshell, is that rampant illegal quarrying of rough stone is being done in violation of license, terms and conditions. Dust emanating from the crushing units have great adverse impact on the abutting agricultural lands. Not only is environmental quality impaired, but human health also is put at risk. Despite repeated representations, the official respondents have not taken any action. Under the above circumstances, the petitioners, claiming themselves to be Public Interest Litigants and espousing the cause of the public in and around Vadipatti Taluk, are before this



3. In a line, the contention of the learned counsel for the petitioners is that the quarry operations in respect of two mining leases and crushing operations in respect of one mining unit are being conducted in violation of law and Rules extant.

4. The contesting respondents, who are stated to be indulging in wrongful activities and against whom enquiry/action at the hands of the official respondents is sought, are represented by Mr.N.R.Elango, learned Senior Counsel, who submits that the contesting respondents have no objection to the Writ Petitions being allowed as prayed for and that the representations of the petitioners against the quarry operations and crushing units may be directed to be considered by the official respondents on merits and in accordance with law.

5. Mr.T.Lajapathi Roy, learned counsel for some of the writ petitioners submits that the present Writ Petitions may be taken up along with W.P.(MD).Nos.2432, 1651 and 1492 of 2018. He referred us to earlier orders of this Court dated 09.02.2018, wherein one Mr.P.Ganapathi Subramanian, Advocate, has been appointed as an Advocate Commissioner towards visiting the area in question and filing a report. Learned counsel submits that the other three Writ Petitions also relate to quarry operations at Perumalmalai. In response to our query, he submits that Perumalmalai area extends to over 500 hectares.

6. The Deputy Director of Geology and Mining, Madurai District, one of the official respondents in the Writ Petitions, has filed a status report dated 07.03.2018, explaining that permission has been granted for the removal of rough stone to the tune of of 22,808 units whereas the lessee has obtained transport permit to the tune of 8675 units. The volume of rough stone quarried in the lease area has been assessed at 9280 units. Hence, action is being initiated for the recovery of seigniorage fee from the private respondent for the quantity of 605 unit of rough stone, quarried in the lease hold area over and above the quantity of transport permits obtained. The Deputy Director of Geology and Mining has further stated that Perumalmalai, Erumalai, Sempatti and Kiluvamalai Reserve Forest are located one kilo metre away from the quarry site and the Periyar Irrigation channel passes five kilometres away therefrom.

7. When the contesting respondents whose wrongful action are complained of have no objection to the Writ Petitions being allowed as sought by the petitioners, this Court finds it not necessary to do any more than to require the official respondents to consider the representations of the petitioners dated 03.02.2018, 03.05.2018 and 10.05.2018 and pass appropriate orders, on merits and in accordance with law.



8. In the light of the above, the official respondents are directed to consider the representations of the petitioners dated 03.02.2018, 03.05.2018 and 10.05.2018 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. The Writ Petitions shall stand disposed of on the above terms.. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Madurai District, Madurai.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur, Madurai 625 008.
3. The Revenue Divisional Officer,
Madurai, Madurai District.
4. The Tahsildar,
Vadipatti Taluk, Madurai District.
5. The Chief Engineer [PWD],
Water Resource Department,
Madurai Region, Gohale Road,
Madurai.
6. The District Forest Officer,
Madurai District Forest Office,
2, Race Course Road, Madurai 2.
7. The Block Development Officer,
Allanganallur Panchayat Union,
Allanganallur, Madurai 625 501.
8. The District forest officer,
Madurai District.

<https://hcservicecourtdr.org/Service/Depn/itservice/>
The Deputy Director of Geology and Mining,
Office of the Deputy Director of Geology and Mining,
Madurai District, Madurai.



10. The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Madurai District, Madurai.

11. The Tahsildar,
Office of the Tahsildar,
Vadipatti Taluk, Madurai District.

12. The Environmental Engineer,
Tamil Nadu Pollution Control Board,
Kappalur, Madurai .

13. The Joint Controller of Explosives,
A and D-Wing, Block 1-8, Second Floor,
Shasthri Bhavan, 26, Haddous Road,
Nungampakkam, Chennai 600 006.

14. The Principal Secretary to Government,
Department of Geology and Mining,
Secretariat, Fort.St.George, Chennai.

15. The Commissioner of Geology and Mining,
Department of Geology and Mining,
Thiru.V.Ka.Industries Estate,
Guindy, Chennai 600 032.

16. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District, Madurai.

+3cc to Mr.G.Prabhu Rajadurai, Advocate SR.No.72763,72762,72764
+1cc to Mr.N.Ananthapadmanaban, Advocate SR.No.73136
+1cc to Mr.M.Thirunavukkarasu, Advocate SR.No.72555

Nb

MK/RSK/SAR 4/09.08.2018/8P/22C

**COMMON ORDER MADE IN
W.P. [MD].Nos.11603, 11803,
2692, 2693 and 11804 of 2018
12.07.2018**