



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P. [MD].No.18616 of 2018

and

W.M.P. (MD)No.16483 of 2018

N.K.Pandiyaraman

: Petitioner

Vs.

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
3. The Chief Engineer,
Water Source Department,
Trichy Region,
Trichy-20.
4. The Executive Engineer,
Public Works Department-WRD,
Mining and Monetary Division,
Trichy.

: Respondents

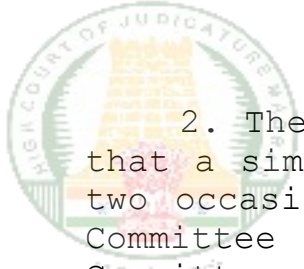
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the fourth respondent from establishing the sand quarry in Vellaru river bed which across petitioner's village Edaiyathimangalam, Manmelkudi Taluk, Pudukkottai District in Survey No.222.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.B.Pugalendhi,
Additional Advocate General,
Assisted by
Mr.A.K.Baskarapandian,
Special Government Pleader

O R D E R

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

The grievance of the petitioner is that the sand mining is likely to be auctioned though it is situated within the prohibitory distance and likely to affect the general public.



2. The learned Additional Advocate General would fairly submit that a similar issue has already been dealt with by this Court on two occasions. Accordingly, this Court has appointed a Monitoring Committee to consider such grievances. Therefore, the above said Committee may be asked to look into the grievance of the petitioner.

3. The learned counsel appearing for the petitioner has also got no objection to the aforesaid methodology, provided the petitioner should be heard.

4. This Court, in W.P.No.13580 of 2018, dated 11.07.2018, by taking into consideration of the earlier order passed, has held as follows:

"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."

5. In the light of the above, we give liberty to the petitioner to approach the Monitoring Committee. As and when such a request is made, the Committee shall look into the same and make necessary recommendation to the second respondent. Based upon the recommendation, the second respondent shall take necessary action in the matter in issue. It is needless to state that such exercise shall be done by the Committee, within a period of four weeks from the date of receipt of a copy of this order. Pending the decision by the Committee, followed by action of the second respondent, *status quo*, as on today, shall be maintained.



6. The Writ Petition stands disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl sdie)

WEB COPY

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
3. The Chief Engineer,
Water Source Department,
Trichy Region,
Trichy-20.
4. The Executive Engineer,
Public Works Department-WRD,
Mining and Monetary Division,
Trichy.

+1cc to Mr.K.Baalasundharam, Advocate Sr.No.81421

+1cc to Spl.Government Pleader Sr.No.81669

SML

VB/SKN/SAR1/25.09.2018/4P/7C

**Order made in
W.P. [MD].No.18616 of 2018
Dated: 30.08.2018**