



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.18060 to 18063 & 19539 of 2018
and
WMP(MD)Nos.15955 to 15962 & 17325 of 2018
&
WMP(MD)Nos.17179 to 17182 & 18731 to 18733 of 2018
and
WMP(MD)Nos.19587 to 19590 of 2018

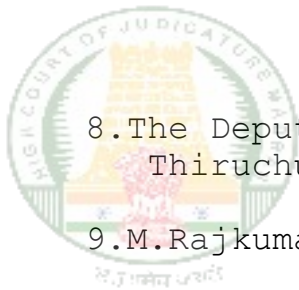
in WP(MD)No.18060 of 2018 :

M.Pitchai

... Petitioner

Vs.

- 1.The District Collector, Collectorate,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Director of Mines & Minerals,
Department of Geology and Mining,
Collectorate,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Disivional Officer,
Aruppukkottai Post, Virudhunagar District.
- 4.The Tahsildar, Taluk Office,
Thiruchuzhi Taluk,
Virudhunagar District.
- 5.The Executive Engineer,
Gundar River Basin,
Public Works Department,
Rajapalayam, Virudhunagar District.
- 6.The Project Director,
Directorate of Sand Quarry Operations,
Office of the Executive Engineer,
Public Works Department,
Chepauk, Chennai.
- 7.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.



8.The Deputy Superintendent of Police,
Thiruchuzhi Division, Virudhunagar District.

9.M.Rajkumar

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 8 to take necessary action against the 9th respondent under Tamil Nadu Mines and Mineral Concession Rules 1959 for illegal quarrying of river sand in the guise of quarrying gravel sand by virtue of the order passed by the first respondent vide his proceedings in Na.Ka.KeVi.3/13485/2016, dated 10.03.2018, issued to the 9th respondent in lands comprised in R.S.No.293/2D, 2E, 2F, 2G, 2H, 2I, 3, 296/1, 300/1 of Veerachozhan Village, Thiruchuli Taluk, Virudhunagar District.

in WP(MD)No.18061 of 2018 :

M.Pitchai

... Petitioner

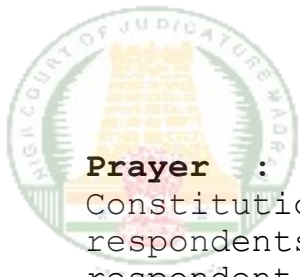
Vs.

- 1.The District Collector, Collectorate,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Director of Mines & Minerals,
Department of Geology and Mining,
Collectorate, Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Disivional Officer,
Aruppukkottai Post, Virudhunagar District.
- 4.The Tahsildar, Taluk Office,
Thiruchuzhi Taluk, Virudhunagar District.
- 5.The Executive Engineer,
Gundar River Basin,
Public Works Department,
Rajapalayam, Virudhunagar District.
- 6.The Project Director,
Directorate of Sand Quarry Operations,
Office of the Executive Engineer,
Public Works Department, Chepauk, Chennai.
- 7.The Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 8.The Deputy Superintendent of Police,
Thiruchuzhi Division, Virudhunagar District.

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9.R.Sundramoorthy

... Respondents



Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 8 to take necessary action against the 9th respondent under Tamil Nadu Mines and Mineral Concession Rules 1959 for illegal quarrying of river sand in the guise of quarrying gravel sand by virtue of the order passed by the first respondent vide his proceedings in Na.Ka.KeVi.3/985/2017, dated 17.05.2018, issued to the 9th respondent in lands comprised in R.S.No.194/1A of Aanaikulam Village, Thiruchuli Taluk, Virudhunagar District.

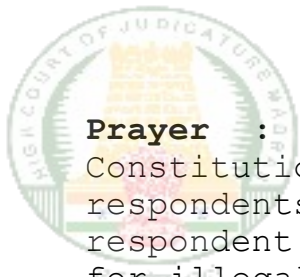
in WP(MD)No.18062 of 2018 :

M.Pitchai

... Petitioner

Vs.

- 1.The District Collector, Collectorate,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Director of Mines & Minerals,
Department of Geology and Mining,
Collectorate,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Disivional Officer,
Aruppukkottai Post, Virudhunagar District.
- 4.The Tahsildar, Taluk Office,
Thiruchuzhi Taluk, Virudhunagar District.
- 5.The Executive Engineer,
Gundar River Basin,
Public Works Department,
Rajapalayam, Virudhunagar District.
- 6.The Project Director,
Directorate of Sand Quarry Operations,
Office of the Executive Engineer,
Public Works Department,
Chepauk, Chennai.
- 7.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 8.The Deputy Superintendent of Police,
Thiruchuzhi Division,
Virudhunagar District.



Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 8 to take necessary action against the 9th respondent under Tamil Nadu Mines and Mineral Concession Rules 1959 for illegal quarrying of river sand in the guise of quarrying gravel sand by virtue of the order passed by the first respondent vide his proceedings in Na.Ka.KeVi.3/436/2017, dated 23.09.2017 issued to the 9th respondent in lands comprised in R.S.Nos.13/2, 13/3A, 29/3B, 29/4A and 29/4B of Chokkampatti Village, Thiruchuli Taluk, Virudhunagar District.

in WP(MD)No.18063 of 2018 :

M.Pitchai

... Petitioner

Vs.

- 1.The District Collector, Collectorate,
Virudhunagar District, Virudhunagar.
- 2.The Assistant Director of Mines & Minerals,
Department of Geology and Mining,
Collectorate, Virudhunagar District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Disivional Officer,
Aruppukkottai Post, Virudhunagar District.
- 4.The Tahsildar, Taluk Office,
Thiruchuzhi Taluk, Virudhunagar District.
- 5.The Executive Engineer,
Gundar River Basin, Public Works Department,
Rajapalayam, Virudhunagar District.
- 6.The Project Director,
Directorate of Sand Quarry Operations,
Office of the Executive Engineer,
Public Works Department, Chepauk, Chennai.
- 7.The Superintendent of Police,
Virudhunagar, Virudhunagar District.
- 8.The Deputy Superintendent of Police,
Thiruchuzhi Division, Virudhunagar District.

9.R.Kasimayan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 8 to take necessary action against the 9th respondent under Tamil Nadu Mines and Mineral Concession Rules 1959 for illegal quarrying of river sand in the guise of quarrying gravel sand by virtue of the order passed by the first respondent vide his



proceedings in Na.Ka.KeVi.3/804/2017, dated 07.07.2018 issued to the 9th respondent in lands comprised in R.S.No.219/1A of Sethupuram Village, Thiruchuli Taluk, Virudhunagar District.

In WP(MD)No.19539 of 2018 :

Sathana Udaiyar

... Petitioner

Vs.

1.The District Collector,
O/o.the District Collector,
Virudhunagar District.

2.The Deputy Director,
O/o. the Deputy Director,
Mines and Minerals Geology Department,
Virudhunagar District.

3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

4.The Tahsildar, O/o. the Tahsildar,
Tiruchuli Taluk, Virudhunagar District.

5.Revora Estotas

6.P.Kasimayan

7.Sundaramurthi

8.M.Thirumoorthi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to forbear the respondents 5, 6 and 7 and 8 taking river sand illegally from Kundaru, Thiruchuli Taluk, Virudhunagar District by considering my representation dated 02.09.2018 within a time stipulated by this Court.

For petitioners : Mr.R.Maheswaran in WP(MD)Nos.18060 to 18063/18
Mr.U.Kannan in WP(MD)No.19539 of 2018

For Respondents : Mr.K.Chellapandian, Additional Advocate General
Assisted by Mr.Mr.A.K.Baskarapandian,
Spl., Govt.Pleader for R1 to R4 and R7 and R8
in WP(MD)Nos.18060 to 18063/18
and for R1 to R4 for WP(MD)No.19539 of 2018

Mr.M.Suresh Babu for R9
in WP(MD)Nos.18060 to 18063/18 and for R5 to R7
in WP(MD)No.19539 of 2018

Mr.S.Muniyandi for R8 in WP(MD)No.19539 of 2018

**ORDER****(Order of the Court was made by G.R.Swaminathan, J.)**

All these five writ petitions have been filed in public interest. The common grievance set out in these writ petitions is that there is indiscriminate illegal mining of river sand. According to the petitioners, the private respondents have obtained license for quarrying what is known as Savadu sand from private patta lands and that in the guise of transporting Savadu sand, illegally quarried river sand is being transported. The petitioners would allege that in the river bed of Gundaru abutting villages such as Veeracholan, Anaikulam, Sethupuram and Chokkampatti such illegal activity is being carried on. Since the complaint lodged by the petitioner did not yield any response, these writ petitions have been instituted.

2.This Court directed the Principal District and Sessions Judge, Virudhunagar at Srivilliputhur to conduct an inspection in the river basin of Gundaru and Girithirumal between Narikudi, Thiruchuli, Mandalamanickam and Aruppukottai and submit a report. Though such a report dated 01.11.2018 has been received, the same has not been of any assistance to us.

3.The learned counsel appearing for the writ petitioners reiterated the allegations made in the affidavit filed in support of these writ petitions. The private respondents have filed their counter affidavits denying the said allegations. According to the private respondents, the lands in question are patta lands which have been leased out in their favour for a period of three years. They obtained permission from the authorities concerned for quarrying the Savadu sand found in the said lands. After obtaining transport permits, the quarried sand is being removed to the intended destinations.

4.The learned counsel appearing for the private respondents would contend that the private respondents are strictly adhering to the terms of the licence and that there is no statutory violation at all. They would also argue that the river bed is situated at a distance of 1.00 km from the lands in question. They have also filed undertaking affidavits agreeing to be bound by any of the conditions that may be imposed by this court.

5.After hearing the learned counsel on either side and also the learned Additional Advocate General appearing for the official respondents, we are inclined to issue the following directions :

(i) Since the private respondents herein are licensed to remove only Savadu sand from the notified patta lands, the official respondents herein shall ensure that the private respondents do not remove or transport any river sand.

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(ii) The license conditions will have to be strictly and scrupulously adhered to. The authorities are



mandated to ensure that the license conditions are not violated.

(iii) Quarrying cannot be below 2 meter depth. Periodical inspection will have to be conducted in this regard.

(iv) The license holders agree that they would carry on their quarrying operations only between 11.00 A.M and 04.00 P.M.

(v) The private respondents shall earmark the loading site and if loading takes place from any other site, the licence itself is liable to be cancelled.

(vi) CCTV cameras shall be installed to monitor the loading activities. The installation and maintenance of CCTV will be at the expense of the license holders. The license holders shall create dedicated e-mail I.Ds and furnish the concerned authority with the details of the lorries with which would transport the Savadu sand. In other words, the Savadu sand quarried by the private respondents will be transported only in the lorries the details of which are already made available at 11.00 a.m itself.

(vii) In order to maintain the integrity of this process of furnishing information, the licence holders will not only submit the details in writing but also through e-mail.

(viii) The authority concerned is directed to store the information received via e-mail. It is always open to the writ petitioners to move this Court by initiating contempt proceedings if there is any violation of any of the directions mentioned above. The second respondent is also directed to file monthly compliance report before the District Legal Services Authority and obtain acknowledgments.

6. These writ petitions are disposed of accordingly. No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector, Collectorate,
Virudhunagar District, Virudhunagar.



2.The Assistant Director of Mines & Minerals,
Department of Geology and Mining,
Collectorate, Virudhunagar District.

3.The Revenue Divisional Officer,
O/o.Revenue Disivional Officer,
Aruppukkottai Post, Virudhunagar District.

4.The Tahsildar, Taluk Office,
Thiruchuzhi Taluk, Virudhunagar District.

5.The Executive Engineer, Gundar River Basin,
Public Works Department,
Rajapalayam, Virudhunagar District.

6.The Project Director,
Directorate of Sand Quarry Operations,
Office of the Executive Engineer,
Public Works Department, Chepauk, Chennai.

7.The Superintendent of Police,
Virudhunagar, Virudhunagar District.

8.The Deputy Superintendent of Police,
Thiruchuzhi Division, Virudhunagar District.

+2CC to Mr.M.Subash Babu, Advocate, SR.No.98555, 98554
+1CC to Mr.R.Tamilvanan, Advocate, SR.No.98388

WP(MD)No.18060 to 18063 & 19539 of 2018
03.12.2018

SKM
ES/SV/SAR 3/19.12.2018/8P/12C