



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.20776 of 2017 and
W.M.P.(MD)No.17062 of 2017

S.Kader Bawa

... Petitioner

Vs.

1. The Joint Director of Mines & Minerals,
Mines and Minerals Department,
Sivagangai, Sivagangai District.
2. The District Collector,
Sivagangai District, Sivagangai.
3. The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District,
Sivagangai.
4. The Inspector of Police,
Tiruppachetti Police Station,
Tiruppachetti,
Sivagangai District.

5.G.Muthupandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents to forbear the 5th respondent in conducting quarrying operation in the land in Survey Nos.1/1A, 1/1E, 1/3B, 1/1B, 1/1C, 1/3C situated at Kalloorani Village, Sivagangai Division, Sivagangai District and the land in Survey No.130/2 situated at Kannoor Village, Manamadurai Division, Sivagangai District owned by the petitioner and consequentially to direct the official respondents to take appropriate action against the 5th respondent as regards to the illegal quarrying and by considering the petitioner's representation dated 07.11.2017 within the period that may be stipulated by this Court.

For Petitioner	:	Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondents	:	Mr.M.Rajarajan (for R1 to R4) Government Pleader Mr.S.Jeyakarthick (for R5)

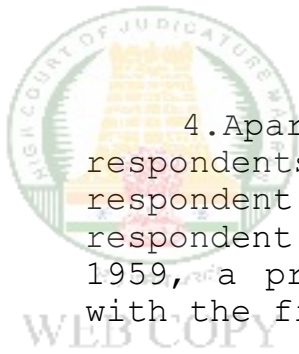
**ORDER**

This Writ Petition has been filed to direct the respondents 1 to 4 to prevent the fifth respondent from conducting quarrying operations in Survey Nos. 1/1A, 1/1E, 1/3B, 1/1B, 1/1C, 1/3C, situated at Kalloorani Village, Sivagangai Division, Sivagangai District and the land in Survey No.130/2, situated at Kannoor Village, Manamadurai Division, Sivagangai District.

2. According to the petitioner, the District Collector, Sivagangai, granted permission to the fifth respondent to conduct quarrying operations in the fifth respondent patta land in Survey Nos. 1/2, 1/5B, 1/5C and 21/1. Even though permission was granted only to remove the gravel sand from the fifth respondent patta land, he has removed the river sand illegally, which is available in the above land. Apart from that, he is also conducting illegal quarrying operations in the petitioner's land, which is situated nearby the fifth respondent land. Despite several representations have been given to the authorities, no action has been taken. Hence, the present writ petition has been filed.

3. Earlier, this Court, by an order dated 14.02.2018, directed the Tahsildar and the Assistant Director of Mines and Minerals, Sivagangai, to inspect the quarry site and file a report regarding the alleged illegal quarry conducted by the fifth respondent. Today, when the matter is taken up for hearing, the learned counsel for the respondents filed a report stating that the fifth respondent was granted permission to quarry the savudu (earth) sand to an extent of 1.42.5 hecets comprised in patta S.F.Nos. 1/2, 1/5B, 1/5C and 21/1 of Kallurani Vilalge, Sivagangai Taluk for a period of six months from 24.08.2017 to 23.02.2018 by the second respondent in his proceedings Rc.No.M2/306/2016 dated 24.08.2017. Subsequently, the above permission was suspended with effect from 23.11.2017 on the ground of violations. During the time of inspection, it was found that the fifth respondent has illicitly quarried and transported 1434 tipper loads of Savadu (earth) from the non lease hold areas, which reads as follows:-

Sl.No	S.F.Nos.	Extent illicitly quarried	Quantity of savudu illicitly quarried in cubic metre	Quantity in Tipper loads
1	1/1E	0.02.0	480	53
2	1/3B	0.27.0	6600	734
3	1/1C	Part	4355	484
4	1/3C	Part	1469	163
			12904 cubic metre	1434 tipper loads



4. Apart from that, the learned counsel appearing for the respondents submitted that permission granted to the fifth respondent was already suspended by the District Collector / second respondent and now under Rule 36-A of Tamil Nadu Minor Mineral Rule, 1959, a proceedings has been initiated and the enquiry is pending with the first respondent.

5. The learned counsel for the fifth respondent submitted that as per the order passed by the second respondent, he stopped quarrying operations from 23.11.2017 and from that date, he is not conducting any quarrying operations and he is not violating any conditions imposed by the officials.

6. On perusal of the report filed by the Tahsildar and the Assistant Director of Mines and Minerals, Sivagangai, it is alleged that illegal quarrying operations were conducted by the fifth respondent in the neighbouring Survey. Apart from that, by the order passed by the District Collector, Sivagangai, dated 23.11.2017, quarrying operations have already been stopped and the enquiry is already pending with the first respondent.

7. In the above facts and circumstances of the case, without going into the merits, as an enquiry has already been initiated against the fifth respondent, the first respondent is directed to complete the enquiry after affording opportunity to the petitioner and pass orders on merits and in accordance with law. In the report filed by the Tahsildar and the Assistant Director of Mines and Minerals, Sivagangai, it is alleged that quarrying operations have been carried out in the neighbouring Survey Numbers also. Hence, the first respondent is directed to issue notice to the neighbouring land owners and directed to consider their objections, if any.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director of Mines & Minerals,
Mines and Minerals Department,
Sivagangai, Sivagangai District.

2. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Sivagangai District,
Sivagangai.



3. The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai District,
Sivagangai.

4. The Inspector of Police,
Tiruppachetti Police Station,
Tiruppachetti,
Sivagangai District.

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 53879
+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 54028
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54208

TA

TE/SV-MMS/SAR-3 : 24/04/2018 : 4P/8C

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