



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD)No.19157 of 2018
and
W.M.P.(MD) .No.17006 of 2018

R.Ramachandran

...Petitioner

Vs .

1. The State of Tamil Nadu
represented by its Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.
2. The Director of Geology and Mining,
Guindy,
Chennai.
3. The District Collector,
Sivagangai District,
Sivagangai.
4. The Executive Engineer,
Vaigai Basin,
Public Works Department,
Sivagangai District,
Sivagangai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents herein from the quarrying operation in T.Pudukottai Village in Survey No.108 (Part) in view of the representation dated 18.06.2018 given by the petitioner and not to give permission in the concerned vicinity further or other orders as this court may deem fit and proper in the circumstance of the



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For Petitioner : Mr.K.K.Mahesh Raja

For Respondents : Mr.B.Pugalendhi

Additional Advocate General assisted
by Mr.A.K.Baskara Pandian, Special
Govt.Pleader

ORDER

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

This writ petition has been filed seeking a Writ of Mandamus forbearing the respondents from indulging in quarrying operation in T.Pudukottai Village in Survey No.108 (Part).

2. The learned counsel appearing for the petitioner submitted that the proposed quarrying operation will cause damage to the dams situated within 2 k.ms. radius.

3. We are afraid that such contention cannot have no basis and no document has been produced to substantiate the same. However, an order was passed in W.P.No.13580 of 2018, dated 11.07.2018, while taking note of the earlier order passed by the Division Bench of this Court, directing the Committee to look into such grievances.

4. Therefore, we deem it appropriate to permit the petitioner to approach the Monitoring Committee already constituted in W.P.No.22433 of 2017, in pursuant to the order dated 06.07.2018. The order passed by the Division Bench in W.P.No.13580 of 2018, dated 11.07.2018, is 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 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.

7. The writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

5. The Writ Petition stands disposed of, on the above said terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.
2. The Director of Geology and Mining,
Guindy,
Chennai.
3. The District Collector,
Sivagangai District,
Sivagangai.



4. The Executive Engineer,
Vaigai Basin,
Public Works Department,
Sivagangai District,
Sivagangai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO. 82484

AKV

BU/SV/SAR-IV : 24.09.2018 : 5P/6C

W.P. (MD) No.19157 of 2018

04.09.2018