



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Eleventh day of January Two Thousand and Nineteen

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD) No.19356 of 2018

G.MANAIMARAN

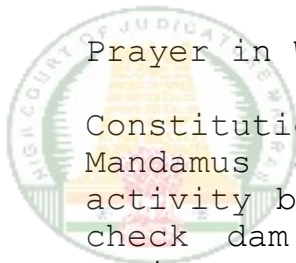
S/O.LATE.S.GIRINATHAN, 1/8, SUDIYUR VILLAGE,
PARAMAKUDI TALUK, RAMANATHAPURAM DIST

... PETITIONER IN WP(MD) No.19356 of 2018

Vs

- 1 THE PROJECT DIRECTOR
SAND MINING OPERATION, CHEPAUK, CHENNAI
- 2 THE DISTRICT COLLECTGOR
SIVAGANGAI DISTRICT, SIVAGANGAI
- 3 THE STATE ENVIRONMENT IMPACT AUTHORITY,
PANAGAL MALIGAI, SAIDAPET, CHENNAI
- 4 THE EXECUTIVE ENGINEER
(MINING DIVISION), PWD COMPLEX, TALLAKULAM, MADURAI.
- 5 THE TAHSILDAR
MANAMADURAI TALUK, SIVAGANGAI DISTRICT
- 6 THE ASSISTANT DIRECTOR OF MINES,
GEOLOGY AND MINING, SIVAGANGAI
- 7 THE DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, MYLAPORE, CHENNAI
- 8 THE REGISTRAR,
INDIAN INSTITUTE OF TECHNOLOGY, CHENNAI-36.
- 9 THE REGISTRAR
ANNA UNIVERSITY, SARDAR PATEL ROAD, CHENNAI-25.
(R8 & 9 ARE SUO MOTU IMPEADED VIDE
COURT ORDER DT.11/01/19)

... RESPONDENT IN WP(MD) No.19356 of 2018



Prayer in WP(MD). 19356/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents not to indulge any mining activity between Parthibanur Madagu Anai to Keelaperungarai damaged check dam in S.No.108 (Part), T.Puthukottai till complying the Environmental guidelines and ensure to stop the unlawful mining activities till reconstruction of the damaged check dam, narrow bridge and grave yard, compound wall and formation of Katcha road into the river after removing the unlawful pakka road presently formed by obstructing the free flow of water across the Vaigai river by considering the petitioner's representation dated 26.03.2018 and 14.08.2018.

ORDER:

This Writ petition coming on for hearing on this day and upon perusing the petition and affidavit and the material papers and upon hearing the arguments of Mr.M.Godvin Advocate for the petitioner and of Mr.K.Chellapandian Additional Advocate General assisted by Mr.K.Saravanan, Govt.Advocate for the respondents. The Court made the following order:-

(Order of the Court was made by **M.M. SUNDRESH, J.**)

Today, this matter stands posed before us pursuant to the order passed by the Regular Bench. The report, as sought, has been submitted by the Committee. The following are the recommendations made by the Committee in the report dated 20.10.2018:

The sand quarry operation in the site may be restricted to 0.5 m leaving sufficient sand in the river bed for infiltration during the flow period, which would protect the ground water of the agricultural wells and the drinking water sources located in the river bed.

Due to public agitation, alternate route for the transport of the quarried sand was considered by the district administration of both Sivagangai and Ramanathapuram districts and it was concluded that no other route was feasible. It is also pertinent to note that a private gravel quarry is functioning close to this site. The villagers have no objection in allowing the gravel loaded private vehicles to use this route but have objection only with the PWD vehicles for reasons unknown.

The bed level and the sand above and below the bed level for the entire stretch of Vaigai River have to be assessed scientifically through IIT-M and Anna University.

Separate guidelines/conditions for the sand quarrying



with reference to Tamil Nadu river system may be prepared and submitted to the Court for effective Sand Quarrying Operations.

The Environmental Clearance obtained from State Level Environmental Impact Assessment Authority on 17.04.2018 is valid for a period of six months from the date of execution of the Mining Lease Period.

The condition stipulated in Environmental Clearance by the Letter No.SEIAA-IN/F.No.6543/EC/1(a)/3973/2018 dated 17.04.2018 from State Level Environmental Impact Assessment Authority should be scrupulously followed. It is also pertinent to note that certain conditions in the Environmental Clearance of SEIAA are not relevant to Sand Quarrying Operations. They may be suitable in case of mining which involves blasting/drilling and such conditions are highly irrelevant for Sand Quarrying Operations and should have no impact on the surrounding if not followed. The Committee is working on the relevant conditions which may be adopted by PWD while performing quarrying operations which will be submitted to the Hon'ble Court in due course of time.

2.Since the Committee itself made recommendations to restrict the quarrying operation to 0.5 metres, we accordingly permit the respondents to do so for a period of two months i.e. till 22.03.2019. We may also note that already quarrying was done between 03.08.2018 and 25.10.2018 out of total six months period.

3.Considering the larger public interest involved and in the light of the recommendations of the Committee, we are inclined to suo motu implead Indian Institute of Technology, Madras and Anna University, Madras as party respondents. Accordingly the Registrar, Indian Institute of Technology, Chennai -36 and Registrar, Anna University, Sardar Patel Road, Chennai - 25 are impleaded as party respondents.

4.Registry is directed to issue notice to the impleaded parties.

5.We also call upon the Committee to make a suggestion for the purpose of formulating separate guidelines/conditions for the sand quarrying with reference to Tamil Nadu State River System. However, guidelines/conditions will have to be placed before us on the next date of hearing.

6.Post the matter for further hearing on 22.03.2019. We also direct the Committee to make another inspection of the place sought to be quarried after a period of one month from the date of receipt of a copy of this order and file a report on the purported compliance of doing quarrying operation restricting it to 0.5 metres. It is made clear that if any violation is found, then apart



from cancellation, action would be taken against erring officials as any such action would amount to wilful disobedience of the order passed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS II)

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ORDER DATED :11.01.2019

NEXT HEARING DATE :22.03.2019

ORDER

WP(MD) No.19356 of 2018

Giving direction as stated within etc.,

DS RSK SAR2 14 02 2019 4P 10C