



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Monday, the Seventeenth day of September,
Two Thousand and Eighteen

WEB COPY

THE HON`BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

WP(MD). 19891 and 17775 of 2018

SUNDAR RAJ

... PETITIONER IN BOTH CASES

.Vs.

1 THE DISTRICT COLLECTOR, SIVAGANGAI DISTRICT, SIVAGANGAI

2 THE REVENUE DIVISIONAL OFFICER, SIVAGANGAI, SIVAGANGAI DISTRICT

3 THE TAHSILDAR, MANAMADURAI, SIVAGANGAI DISTRICT

... RESPONDENTS NO.1 TO 3 IN BOTH CASES

4 M.SELVAM

... 4TH RESPNDENT IN WP(MD).NO.19891 OF 2018

Prayer in WP(MD). 19891/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue aWrit of Certiorari calling for all records relating to the order of the District Collector 1st Respondent herein made in Na.Ka.No.M2/25/2018 dated 21.07.2018 and quash the same as illegal.

Prayer in WP(MD). 17775/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents from taking craval sand from the bond and channel are situated in survey No.191, 184/16, 184/18, 184/19, 185/4A, 186/2 and 187/3D1 at Sithalagundu Village, Manamadurai Taluk, Sivagangai District based on the petitioners representation dated 30.07.2018.

ORDER:

These Petitions coming on for hearing on this day, upon perusing the affidavits and material papers filed, and upon hearing the arguments of MR.M.JOSEPH THATHEUS JEROM, for G.GOMATHI SANKAR, Advocate for the petitioner (in Both Cases), Mr.K.SARAVANAN, Government Advocate on behalf of the Respondents No.1 to 3 (in Both Cases), and of MR.S.SARAVANA KUMAR, Advocate for the 4th Respondent (in WP(MD)).

<https://hnservicescourts.gov.in/cases/19891-2018> this Court made the following order:-



Heard the learned counsel appearing for the parties.

2. After hearing both sides and perusing the materials placed on record, four issues have been arisen for consideration of this Court. The first one is the possible impact by quarrying on the Kanmoi. Second is with respect to distance between the place in which the quarrying operation is permitted on the Kanmoi. The third is the steps that are required to be taken to protect the Kanmoi. Fourth is with respect to the alleged mining operation that is going within the Kanmoi.

3. Considering the above, we deem it appropriate to appoint an Advocate Commissioner to make an inspection of the Kanmoi and the area in which the mining operation is permitted with specific reference to the distance between the two. The Commissioner shall give a specific finding with reference to Rule 36 of Taminadu Minor Minerals Concessions Rules, 1959, The report shall indicate the nature of the Kanmoi and the place sought to be used for mining. The learned Commissioner can also mention about the nature of mining material to be excavated; ground or sand. He should also intimate the measures ought to have been taken to protect the Kanmoi. Possible impact on the water body with specific reference to the channels, which carry water, shall also be indicated.

4. We appoint Mr.S.Rameshkumaran (No.82, Lawyer Chamber, Madurai Bench of Madras High Court, Madurai Cell. No.99435 31000) as Advocate Commissioner. We fix the initial payment of Rs.30,000/- to the Advocate Commissioner. Out of which, the petitioner shall pay Rs.15,000/- and the fourth respondent shall pay Rs.15,000/- to the Commissioner. The learned Advocate Commissioner shall have the assistance of the official surveyor to undertake this process. Report shall be filed after issuing notice to the parties concerned. The official respondents shall extend their co-operation.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-III)

To:

1 THE DISTRICT COLLECTOR
SIVAGANGAI DISTRICT, SIVAGANGAI



2 THE REVENUE DIVISIONAL OFFICER
SIVAGANGAI, SIVAGANGAI DT

3 THE TAHSILDAR MANAMADURAI,
SIVAGANGAI DIST

COPY TO

MR.S.RAMESH KUMARAN, Advocate,
NO.82, Law Chamber, Madurai Bench of Madras High Court, Madurai.
(Mobile No.99435 31000)

+1 CC To MR.G.GOMATHI SANKAR, Advocate SR. NO. 85079

ORDER DATED : 17.09.2018

ORDER

WP(MD) . 19891 and 17775 of 2018

TR/SKN/SAR-I (25.09.2018) 3P 6C