

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.11558 of 2019
and
W.M.P.No.11810 of 2019

K.Prakash

.. Petitioner

..Vs..

1. The Commissioner of Geology & Mining,
Guindy
Chennai-600 032
2. The District Collector,
Namakkal District,
Namakkal
3. The Assistant Director of Geology & Mining,
Geology & Mining Department,
Namakkal,
Namakkal District.
4. The Thasildar
Taluk Office,
Tiruchengode Taluk,
Namakkal District.
5. The Block Development Officer,
Karumagoundampalayam
Tiruchengode Taluk,
Namakkal District.
6. The District Environment Impact
Assessment Authority (DEIAA)
Represented by its Member Secretary,
Collectorate,
Salem.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein from granting any further fresh mining lease and Environmental clearance to quarry blue metals in Survey

No.138/2 of Kumaramangalam Village, Thirchengode Taluk, Namakkal District, based on the objections submitted by the petitioner through representation dated 17.12.2018 & 09.03.2019.

For Petitioner	: Mr.Arul Murugan.G
For R1 to R4	: Mr.N.Inbanathan Additional Govt. Pleader
For R5	: Mr.K.Jaya Prakash Narayana

O R D E R

Mr.N.Inbanathan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4. Mr.Jayaprakash Narayana, learned Government Pleader takes notice on behalf of the 5th respondent. By consent, the main Writ Petition itself is taken up for disposal.

2.The petitioner has filed the present Writ Petition in the nature of mandamus forbearing the respondent from granting any fresh Mining lease and Environmental clearance to quarry blue metals in Survey No.138/2 of Kumaramangalam Village, Thirchengode Taluk, Namakkal District, based on the objections submitted by the petitioner through representations dated 17.12.2018 & 09.03.2019.

3.The petitioner claims that he is the owner of the house & land in S.No.136/1 of Kumaramangalam village, Tiruchengode Taluk, Namakkal District. He has built the house after obtaining necessary permission. It is stated that in the adjacent land S.No.138/2, which is classified as 'Government Parai Poromboke', the respondents had decided to let it out on lease for quarrying blue metals. The petitioner and the general public have objected for such quarrying of stones as the same causes much disturbance to peace and safety. At any rate, the petitioner appears to have given objection stated above on 17.12.2019 and 09.03.2019. It is stated that the respondents had originally granted similar license to another place, where there was general protest by the people. It is under these circumstances, the petitioner has approached this Court seeking Writ of Mandamus as stated above.

4.Counter affidavit has been filed by the second respondent namely the District Collector, Namakkal District. In his counter, the District Collector has stated as follows:

'I humbly submit that, while granting any new quarry lease in S.F.No.138/2, the Public opinion will be called for through A-1 notice after that only the new quarry lease proposals will be auctioned under extant Rules and Regulations.'

5. In view of the above plea, this Court directs that the respondents may follow due procedure and call for public opinion through A1-Notice and then decide the matter for grant of license. While calling for objection from the public, the objection petition already submitted by the petitioner may also be examined. If necessary, the petitioner may also give a fresh representation/ objection to the respondents. On receipt of the objections, the respondents are directed to examine all issues and conclude the enquiry within a period of eight weeks from the date of receipt of the objections and then decide regarding grant of license in accordance with law. While examining the matter, the respondents are also directed to consider the pollution of environment, issue of safety and any other issue before granting lease to quarry blue metal in the said area.

6. With the above observation the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn
To

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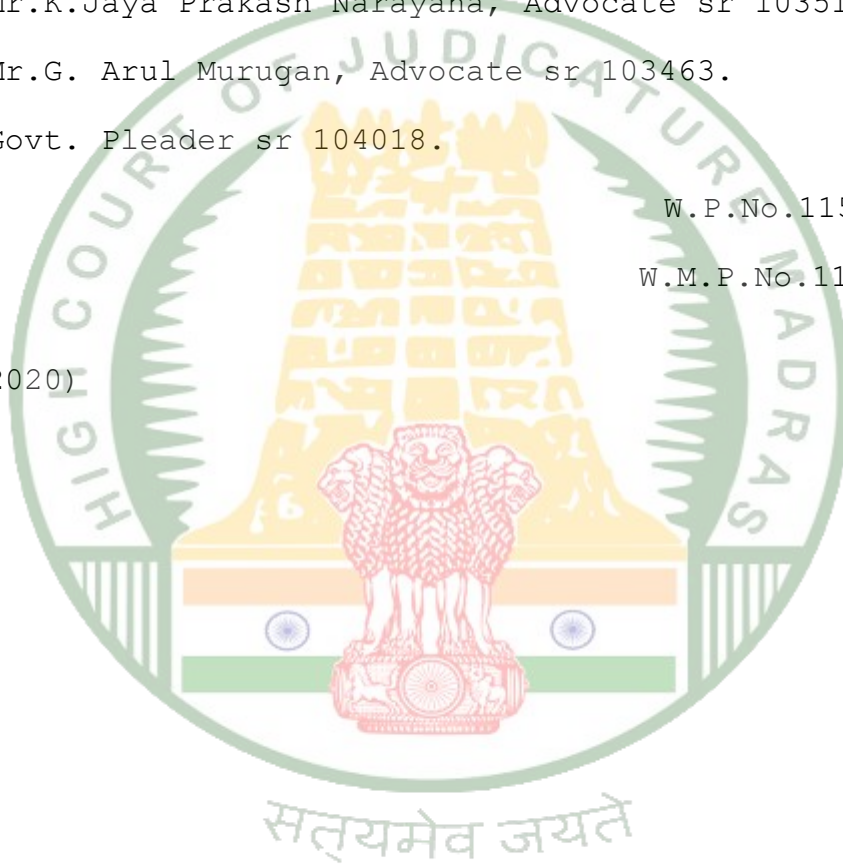
+1 CC to Mr.K.Jaya Prakash Narayana, Advocate sr 103517.

+1 CC to Mr.G. Arul Murugan, Advocate sr 103463.

+1 CC to Govt. Pleader sr 104018.

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LN(CO)
SP(31/01/2020)



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