

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.17041 of 2018
and
W.M.P.No.20289 of 2018

1.Pon Venugopal
2.V.Muthu
3.V.Dhanapal
4.M.C.Kupusamy

..Petitioners

vs.

1.State of Tamil Nadu,
Rep.by its Secretary,
Environment Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Kanchipuram District.

3.The Regional Development Officer,
Madhurantakam.

4.The Tahsildar,
Madurantakam.

5.The Assistant Director,
Zoology and Mining,
Kanchipuram District.

6.The District Pollution Control Board,
Rep.by its District Engineer,
Oragadam,
Kanchipuram District.

7.B.Sarswathy

.. Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Mandamus, directing the respondents herein to consider the representations of the petitioner and thereby cancel the licence granted to the seventh respondent herein vide proceedings of the second respondent in R.C.No.379/2012/Q3 dated 29.09.2014 for quarrying in S.No.346/2 Murugambakkam Village, Madurantakam Taluk, Kanchipuram District, after giving an opportunity of being heard to all the affected parties.

For Petitioners: M/s.Dakshayani Reddy

For Respondents: Mr.M.Elumalai for R1
Government Advocate

Mr.N.Inbanathan
Additional Government Pleader
for R2 to R5

O R D E R

The Status Report has been filed by the 5th respondent stating that the licence already granted to the third respondent expired on 28.09.2019 and as on date there are no quarrying activities being conducted in the Murugambakkam Village, Madurantakam Taluk, Kanchipuram District.

2. The petitioners who are residents of Murugambakkam Vilage, Madurantakam Taluk, Kanchipuram District, are aggrieved by grant of licence in R.C.No.379/2012/Q3 dated 29.09.2014 to the seventh respondent B.Saraswathy, wife of Babu residing at Murugambakkam Vilage, Madurantakam Taluk, Kanchipuram District for quarrying in S.No.346/2 Murugambakkam Vilage, Madurantakam Taluk, Kanchipuram District.

3. The petitioners are particularly aggrieved over the fact that the seventh respondent has failed to honour the conditions stipulated in the licence for quarrying and transporting of rough stone and earth in the patta land belonging to her comprised in Survey No.346/2 over an extent of 1.66 hectares in Murugambakkam Village, Madurantakan Taluk for a period of 5 years.

4. The conditions imposed are that the commencement of quarrying operations should be intimated to the Director of Mine Safety, Chennai and quarrying operations should be carried out in a systematic and scientific manner and eco-friendly manner. It is also contended that with respect to blasting operations, the condition imposed under the said licence is that the quarrying should be carried out by using only jack hammer, driller and mild explosive substances.

5. During the blasting operations, one Bakiyalakshmi the mother of the defacto-complainant suffered grievous head injuries and was admitted in the hospital. Hence, a complaint was lodged and FIR registered in Crime No.84 of 2018, by the Sub Inspector of Police, Anaikattu Police Station, Kanchipuram District, for offences under Sections, 337, 286 IPC r/w Section 9(1)(b) of the Explosive Act 1884. The case of the petitioner is that the acts of the 7th respondent in using powerful substances affect not only buildings and residential

houses which are located at a distance of 500 mtrs., but also create fear for life in the village. There is no doubt that the Investigation Authorities will take action in accordance with law pursuant to investigation of the FIR in Crime No.84 of 2018.

6. In view of the fact that the licence granted to the 3rd respondent had expired on 28.09.2019 and since it has been stated in the status report that as on date, there are no quarrying activities being conducted, nothing survives in the present writ petition, hence the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1. The Secretary,
State of Tamil Nadu,
Environment Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Kanchipuram District.
- 3.The Regional Development Officer,
Madhurantakam.
- 4.The Tahsildar, Madurantakam.
- 5.The Assistant Director,
Zoology and Mining,
Kanchipuram District.
6. The District Engineer,
The District Pollution Control Board,
Oragadam, Kanchipuram District.

+lcc to Mr.Dakshayani Reddy, Advocate, S.R.No. 115
+lcc to the Special Government Pleader(Forest), S.R.No.106632
+lcc to the Government Pleader, S.R.No. 106249

W.P.No.17041 of 2018

PA(CO)
GN(12/02/2020)