

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.27346/2019 & WMP.No26780/2019

M.Kannan ... Petitioner

Versus

1.The District Collector
Vellore District, Vellore-9.

2.The Assistant Director
Mines and Minerals,
District Collector Office
Vellore District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records in Na.Ka.No.10/Mines/2019 dated 28.08.2019 passed by the 1st respondent and quash the same and consequently, direct the respondents to ensure that there is no stone quarry in Survey No.259/2A [part] measuring 2.00.0 Hectares in order to protect the irrigation in the surrounding land and veterinary development and livelihood in the village namely Angarakuppam, Katpadi Taluk, Vellore District based on the petitioner's representation dated 07.09.2019.

For Petitioner : Mr.M.Rajendiran

For Respondents: Mr.R.Udhayakumar, AGP

ORDER

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

(1)By consent, the writ petition, styled as a Public Interest Litigation, is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader appears on behalf of the respondents.

- (2) The petitioner is the owner of the lands admeasuring to an extent of 0.20 cents and 0.98 cents in Punja Survey No.239/1C and 241/1C at Angarakuppam Village, Katpadi Taluk, Vellore District. The grievance expressed by the petitioner in this writ petition styled as the Public Interest Litigation, is that the 1st respondent has effected a publication in the Vellore District Gazette dated 29.08.2019 in Na.Ka.No.10/Mines/2019 dated 28.08.2019, inviting applications for grant of license for stone quarry to benefit the persons who have been released from the bonded labour and formed Societies and also under Swarna Jayanthi Grama Swarojgaar Yojna [SGSY].
- (3) The learned counsel for the petitioner would submit that the proposed sites for stone quarry are located close proximity to the residential premises as well as agricultural lands and in the event of stone quarry coming into operation, the agriculturists as well as the residents would be gravely affected for the reason that there is bound to be noise and air pollution which also have a serious health consequences. It is further submitted by the learned counsel for the petitioner that the petitioner, in this regard, has submitted a representation dated 07.09.2019 to the respondents 1 and 2 and despite receipt and acknowledgment, urgent steps are being taken to grant quarrying license and hence, prays for appropriate orders.
- (4) Per contra, Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents would submit that by invoking Rule 8A and 8C of Mines and Minerals Concession Rules, 1959 and in order to benefit the persons who have been released from bonded labour, applications have been invited for grant of license to quarry stones and it cannot be faulted with.
- (5) This Court has considered the rival submissions made on either side and also perused the materials placed before it.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 07.09.2019 on merits and in accordance with law, after putting on notice, the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s concerned.

(7)The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Vellore District, Vellore.

2.The Assistant Director
Mines and Minerals,
District Collector Office
Vellore District.

+1cc to the Government Pleader Sr.82284

WP.No.27346/2019

mr[co]
srg 05/11/2019

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