

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.26224 of 2018

and

W.M.P.Nos.30449 & 30475 of 2018

Aravindh Blue Metaal,
Rep. By its Managing Partner,
S.Balakrishnan,
Komalivalasu,
Muthanampalayam (Post),
Aravakurichi Taluk,
Karur - 639 206.

...Petitioner

Vs

1. The Commissioner of Geology
and Mining,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.
2. The Director of Town and Country Planning,
807, Anna Salai,
Chennai 600 002.
3. The Deputy Director of Town and
Country Planning, Trichy Region,
Kajamalai Main Road, Kajamalai,
Tiruchirappalli - 620 023.
- 4.The Member Secretary,
Local Planning Authority,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli 620 023.
- 5.The District Collector,
Karur District, Karur.
- 6.The Assistant Director,
Geology and Mining,
Karur.

7.The Executive Officer,
Kodanthur North Village,
Muthanampalayam,
Karur Taluk & District.

8.K. Velusamy

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 to 7 herein not to permit construction of any kind of building or development either by the 8th respondent herein or by any other land holder on the lands falling within the prohibited distance of 300 meters from the existing Stone Quarry in S.No.409 measuring an extent of 3.77.0 Hec situated at Kodanthur (North), Aravakurichi Taluk, Karur District as the same is restricted under 36(1-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.J.Ramesh,
Additional Government Pleader

O R D E R

The present writ petition has been filed to direct the respondents 1 to 7 herein not to permit construction of any kind of building or development either by the 8th respondent herein or by any other land holder on the lands falling within the prohibited distance of 300 meters from the existing Stone Quarry in S.No.409 measuring an extent of 3.77.0 Hec situated at Kodanthur (North), Aravakurichi Taluk, Karur District as the same is restricted under 36(1-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

2. According to the petitioner, there was an attempt by the private parties to put up construction within 300 meters from the location of the stone quarry of the petitioner. Notice was ordered and in response to the same, a report has been filed on 21.01.2019. In the report, it is submitted that no construction work is going on in S.F.No.409. Due to the objection raised by the petitioner herein, the building work in S.F.No.409 is stopped by the owner of the land/8th respondent herein. It is also mentioned that no permission has been granted for any construction by the Department of Geology and Mining.

3. The learned counsel for the petitioner would submit that as per Section 36(1-A)(c) of the Tamil Nadu Minor Mineral Concession Rules, 1959, no new layout, building plans falling

within 300 meters from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. In any event, he would submit that since the report has itself mentioned that no permission has been granted and no construction has been put up, the question may be clarified that until the expiry of the lease period, no construction would be carried out, in view of the provisions of Section 36(1A)(c) which reads as follows:

"36(1-A)(c): No new layout, building plans falling within 300 meters from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 meters from the new layout, building sought for such clearance".

4. It is clarified that there shall be no construction of any kind, within 300 meters from the quarry of the petitioner till the expiry of the lease period unless with the approval of the director of Geology and Mining.

5. With the above clarification, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Commissioner of Geology
and Mining,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

2.The Director of Town and Country
Planning, 807, Anna Salai,
Chennai 600 002.

3.The Deputy Director of Town and
Country Planning, Trichy Region,
Kajamalai Main Road, Kajamalai,
Tiruchirappalli - 620 023.

4.The Member Secretary,
Local Planning Authority,
Kajamalai Main Road,
Kajamalai, Tiruchirappalli 620 023.

5.The District Collector,
Karur District, Karur.

6.The Assistant Director,
Geology and Mining,
Karur.

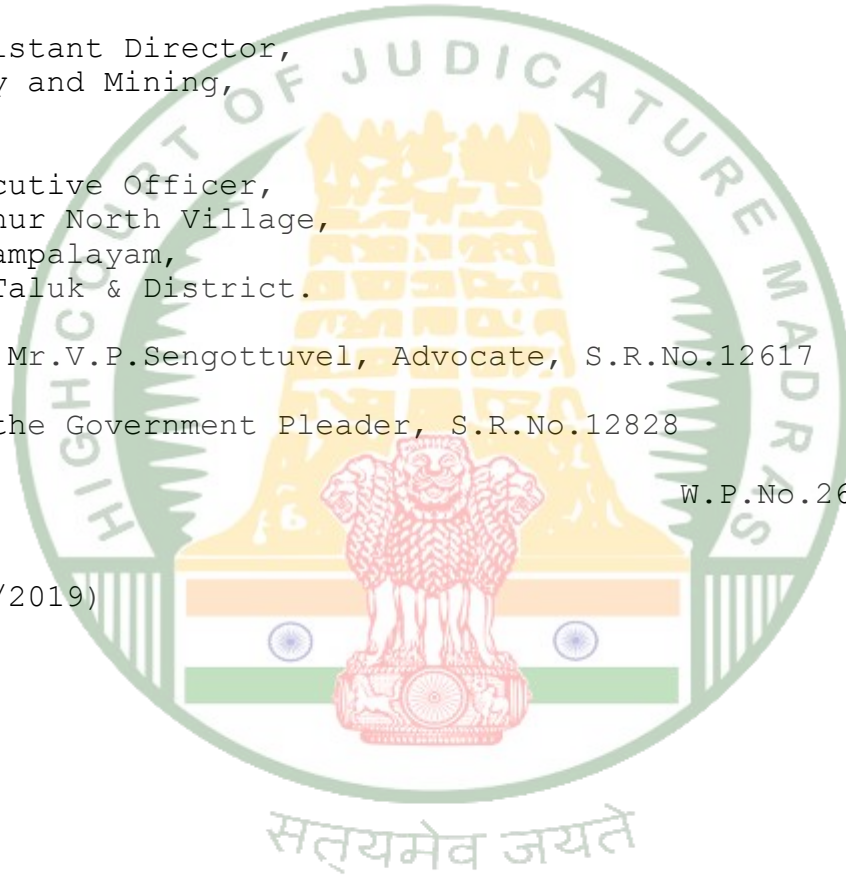
7.The Executive Officer,
Kodanthur North Village,
Muthanampalayam,
Karur Taluk & District.

+2 ccs to Mr.V.P.Sengottuvel, Advocate, S.R.No.12617

+1 cc to the Government Pleader, S.R.No.12828

W.P.No.26224 of 2018

EV(CO)
SSM(11/03/2019)



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