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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.11159 of 2019

and

W.M.P. (MD)No.8528 of 2019

Paulraj

: Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Director of Mines and Minerals,
O/o. The Director of Mines and Minerals,
Ramanathapuram District,
Ramanathapuram.

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.1/880, Sait Ibrahim Nagar 1st Street,
Bharathi Nagar South,
Ramanathapuram District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus or any other order or direction in the nature of Writ forbearing the respondents, their subordinates, the Tahsildars, from issuing quarrying license to anyone to take Savadu or Karambai sand or the sand in any pattern from patta lands, water bodies and any places in Ramanathapuram District.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader
for R.1 to R.3
Mr.V.Vasanth Kumar for R.4

O R D E R

(Order of the Court was made by **B.PUGALENDHI, J.**)

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, forbearing the respondents from issuing any license for quarrying Savadu or Karambai sand or the sand in any



pattern from patta lands, water bodies and any places in Ramanathapuram District.

2. According to the petitioner, he hails from Ramanathapuram District and most of the areas, such as, water bodies and lands have huge quantity of sand in the ground area, covered by Savadu or Karambai sand. The case of the petitioner is that the first respondent is issuing license to take gravel from patta lands and from the water tanks, with some conditions like, desliting the water body, removing the *Prosopis Juliflora* (Seemai Karuvelam Trees) from the water body, bushes, etc., as consideration. But, under the guise of removing the gravel, the anti-social elements are illegally mining and transporting the sand and therefore, he has filed the present petition.

3. According to the petitioner already a Public Interest Litigation in this regard was filed by one Kaleeswaran in WP(MD) No.6150 of 2019, in which, by order dated 15.03.2019, this Court has granted an ordre of interim injunction, restraining the respondents namely, the District Collector, Ramanathapuram District, The Director of Mines and Minerals, Ramanathapuram District and others from issuing quarry licence to anyone in Ramanathapuram District. Knowing that already a writ petition has been filed on the very same issue and interim injunction was already granted, instead of pursuing the writ petition, entertaining yet another writ petition on the same set of facts is unwarranted.

4. It would be pertinent to mention that the Judicial Section of the High Court of Madras, has issued a Notification in No. SRO C-2/2010 dated 26.07.2010, framing rules to regulate a Public Interest Litigation filed under Article 226 of the Constitution of India, and the same is extracted hereunder:-

"By virtue of Article 225 of the Constitution of India and of all other powers hereunto enabling, the High Court makes the following Rules to regulate Public Interest Litigations (PIL) filed under Article 226 of the Constitution of India:

Every Public Interest Litigation must be filed in accordance with the following rules:-

1. Every PIL must indicate that the petitioner has no personal interest in the case. If he has any personal interest, he must disclose the same. In the event of the High Court finding the claim as frivolous or vexatious, the PIL shall be dismissed with exemplary cost.

2. If the PIL is filed on behalf of a class of persons, the details of the persons for whose benefit the PIL is filed, must be indicated. If it is a society or association of persons, the writ



petitioner must enclose a resolution from such society or association of persons, authorising the petitioner to file the writ petition and if the body is duly registered with competent authority, a copy of the bye-laws of the said body authorising the petitioner to file the writ petition, shall be enclosed.

3. If the petitioner has filed any PIL earlier, the details of the petition, and the final order, if any, passed in that petition, the relief granted and costs, if any, awarded, shall be indicated. No Public Interest litigation Petition will be entertained in respect of civil disputes between individuals or in service matters. The petitioner shall give an undertaking that he will pay the costs, if any, if it is found to be intended for personal gain or oblique motive.

4. The petitioner must disclose whether he has filed the petition out of his own funds or from other sources. If it is the latter, the particulars should be given.

5. The petitioner must state in the affidavit that to his knowledge, no PIL arising on the same issue, has been filed anywhere.

6. The affidavit filed by the petitioner must contain the averments that he has filed the writ petition based on his information and his personal knowledge. If he has filed the writ petition based on an information received from any other source, he must clearly indicate the source. If it is a newspaper report, the affidavit shall clearly state as to whether the deponent has verified the facts by personally visiting the place or talking to any responsible person or Reporter or Editor of the newspaper concerned.

7. If the petitioner has given any representation to any authority, a copy of the same shall be filed in the typed set of papers along with reply, if any, received from the authority. He shall file the proof of service of representation before the Court."

6. No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner as he wishes. Similarly, entertaining a second writ petition for an identical issue is unnecessary, as it will only multiply the number of litigation.



7. In such view of the matter, this Court is not inclined to entertain this petition and the same is accordingly, dismissed. However, the petitioner is at liberty to file necessary petition to implead himself in W.P.(MD)No.6150 of 2019, if he so advised. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Director of Mines and Minerals,
O/o. The Director of Mines and Minerals,
Ramanathapuram District, Ramanathapuram.
3. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
4. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.1/880, Sait Ibrahim Nagar 1st Street,
Bharathi Nagar South,
Ramanathapuram District.

+1 CC to SPL GP (SR-65196[F] dated 03/05/2019)

+1 CC to Mr.S.M.A.JINNAH, Advocate (SR-65278[F] dated 03/05/2019)

ORDER MADE IN
W.P. (MD) No.11159 of 2019
30.04.2019

ksa/gk

VB(14.10.2019) 4P 7C