



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 08.07.2019

CORAM

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 15280 OF 2019

K.Selvakumar

.. Petitioner

- Vs -

1. The District Collector
Pudukottai District.
 2. The Asst. Director of Mines & Geology
Dept. of Mines & Geology
Pudukottai.
 3. The Revenue Divisional Officer
Illupur Post & Taluk
Pudukottai District.
 4. The Superintendent of Police
Pudukottai.
 5. The District forest Officer
Pudukottai.
 6. The Tahsildar
Kulathur Post & Taluk
Pudukottai District.
 7. The Inspector of Police
Keeranur Police Station
Pudukottai District.
 8. Rajendran
- .. Respondents



Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents 1 to 7 to take appropriate action against the 8th respondent for his unlawful act of gravel quarrying in S.F. No.1 of Thennathirayanpatty Village, Kulathur Taluk, Pudukottai District and also order to take appropriate action against the erring officials.

For Petitioner : Mr. P.Ganapathi Subramanian
For Respondents : Mr. A.K.Baskarapandian, Spl. GP
for RR-1 to 7

ORDER

(Order of the Court was made by M.Sathyanarayanan, J.)

The present claims to be a public interest litigant and is also a resident of Lakshmananpatty Post, Kulathur Taluk, Pudukottai District, and according to him, S.F. No.1 of Thennathirayanpatty Village, is classified as "Meikal Poramboke" (grass land poramboke) and it is a communal property and the 8th respondent, without any licence or permission whatsoever, started illegal quarrying of gravel from the abovesaid survey number and under the garb of quarrying gravel/earth from S.F. No.549/4 admeasuring to an extent of 5.59 acres, the private respondent is quarrying sand from the said communal property also and in this regard the representation dated 20.6.19 was also submitted to the respondents and since no positive response is forthcoming, has come forward to file the present petition.

2. Heard the submission of Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice for respondents 1 to 3 and 5 to 7 and on instructions, submit that in the light of the complaint received, inspection was conducted by the Special Revenue Inspector (Mines) along with the Village Administrative Officer of Chettipatti as well as Thennanthiraypatti and the inspection reveals that the private respondent was granted licence to quarry gravel from an area of 2.26.5 hectares in Chettipatti village survey No.549/4 for a period of three years from 27.12.18 to 26.12.2021 and, however, he has encroached upon S.F. No.1, which is communal property and took 6884 units or 764 lorry loads of gravel and, therefore, the same being in violation of the Mines & Minerals (Regulation & Development) Act and Section 4 (1) and 4 (1-A) of the Minor Mineral (Development & Improvement) Act and Minor Mineral Concession Rules, appropriate action is being taken. Learned Special Government Pleader further adds that issuing of transport permits have also been stopped and necessary action in terms of the above said provisions of the Act as also criminal prosecution will be launched against the private respondent and action towards recovery proceedings for the illegally quarried gravel would also be taken against the private respondent. The said submission is placed on record.

3. In the above facts and circumstances of the case, respondents 1 to 3 are directed to follow up the said matter and take appropriate action against the private respondent in accordance with the relevant norms and regulations as expeditiously as possible. Respondents 2 and 3 are directed to file status report with support documents as submitted by the learned Special Government Pleader. **List the matter for compliance and filing of status report on 05.08.2019.**

4. This writ petition is disposed of with the aforesaid direction.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The District Collector, Pudukottai District.
2. The Asst. Director of Mines & Geology, Dept. of Mines & Geology Pudukottai.
3. The Revenue Divisional Officer, Illupur Post & Taluk, Pudukottai District.
4. The Superintendent of Police, Pudukottai.
5. The District forest Officer, Pudukottai.
6. The Tahsildar, Kulathur Post & Talukl, Pudukottai District.
7. The Inspector of Police, Keeranur Police Station, Pudukottai District.
8. The Addl.Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Writ Section(Posting),
Madurai Bench of Madras High Court,
Madurai. (To preparing compliance on 05.08.2019)

+1cc to M/S.P.Ganapathy Subramanian, Advocate in SR.74343