



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.5160 of 2019

S.P.Chellaiah

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Superintendent of Police,
Pudukottai District,
Pudukottai.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Campus,
Pudukottai District.

4.The Revenue Divisional Officer,
Iluppur,
Pudukottai District.

5.The Tahsildar,
Kulathur Taluk,
Pudukottai District.

5.Kamaladasan

6.Manivasagam

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 5 to stop illegal quarrying in Survey Nos.103, 104, 5/1, 108, 109, 110, 120, 120/17, 120/18, 120/19, 120/20 and 103/2B of Mandaiyar Village, Kulathur Taluk, Pudukottai District and to take appropriate action against the respondents 6 and 7 herein.

For Petitioner : Mr.N.Anandakumar

<https://hcservices.ecourts.gov.in/hcservices> For Respondents 1 to 5 : Mr.A.K.Baskara Pandian, Spl. GP



For Respondents 6 and 7 : Mr.M.Saravana Kumar

ORDER

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(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.N.Anandakumar, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.M.Saravana Kumar, learned counsel for the respondents 6 and 7.

2.This writ petition filed as "Public interest Litigation" has brought to the notice of the respondents Nos.1 to 5 about the illegal quarrying in Survey Nos.103, 104, 5/1, 108, 109, 110, 120, 120/17, 120/18, 120/19, 120/20 and 103/2B of Mandaiyar Village, Kulathur Taluk, Pudukottai District.

3.The photograph which was produced before this Court shows that earth moving equipment has been used for the removal of the sand. The permission does not authorise for heavy earth moving equipment for removal of the sand. The respondents 4 and 5, namely, the Revenue Divisional Officer and the Tahsildar have not taken any action and the third respondent/Assistant Director, Geology and Mining Department has also not initiated any action against them. Thus, it appears that the administration has turned a blind eye to the illegality.

4.The learned counsel for the sixth respondent would submit that after the writ petition was filed, the official respondents have stopped issuing permits for removal of the sand. *Prima facie*, we are not fully satisfied that there is an illegal and exclusive quarry more than what was permitted. Therefore the sixth respondent should not be granted any permit. If any licence is granted, are forthwith be cancelled. After doing so, the respondents 3 to 5 shall inspect the site to ascertain the extend of illegal quarrying and initiate appropriate proceedings for recovery of loss caused to the Government. Simultaneously criminal action can also be taken against the respondents 6 and 7.

5.With the above directions, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Superintendent of Police,
Pudukottai District,
Pudukottai.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Campus,
Pudukottai District.
- 4.The Revenue Divisional Officer,
Iluppur,
Pudukottai District.
- 5.The Tahsildar,
Kulathur Taluk,
Pudukottai District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-87760[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-87970[F] dated 19/09/2019)

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-88235[F] dated 20/09/2019)

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