



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

AND

THE HONOURABLE MRS. JUSTICE R. THARANI

Writ Petition (MD) No. 22420 of 2018
and W.M.P. (MD) No. 20276 of 2018

M. Palaniammal

.. Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.

2. The Deputy Director,
Geology and Mining Department
Collector Office Building,
Karur District.

3. The Tahsildar,
Aravakuruchi,
Karur District.

4. The District Pollution Control Authority,
Karur District,
Karur.

5. Ponnusamy,
Managing Director,
Pon Vinayaga Crusher,
Karudaiyanpalayam,
Aravakuruchi,
Karur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the respondents 1 to 4 to consider the representation of the petitioner, dated 13.10.2018 and take appropriate steps to stop the illegal quarrying by the 5th respondent in the petitioner's land in survey.No.435/3, Karudaiyanpalayam Village, Aravakuruchi Taluk, Karur District.



For Respondents

: Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader for RR-1 to 3
Mr.Sitharanjan Das for R-5
Ms.G.Gayathri, Adv. Commissioner

WEB COPY

ORDER

[Order of the Court was made by **K.KALYANASUNDARAM, J**]

The writ petition has been filed for issuance of writ of Mandamus directing the respondents 1 to 4 to consider the representation of the petitioner, dated 13.10.2018 and take appropriate steps to stop the illegal quarrying by the 5th respondent in the petitioner's land in sy.No.435/3, Karudaiyanpalayam Village, Aravakuruchi Taluk, Karur District.

2.The petitioner has come up with a specific case that the 5th respondent has encroached upon the land of the petitioner and quarried blue metal stone worth of Rs.10 lakhs.

3.It is an admitted fact that Sy.No.435/3 of Karudaiyanpalayam Village, Aravakuruchi Taluk, Karur District, has an total extent of 2.90 acres and the petitioner is having 1/3rd share and the remaining 2/3rd share was purchased by one Senthil Kumar through a registered sale deed. According to the purchaser, he has been in possession on the western side and the petitioner is in possession of 1/3rd share on the eastern side of the property. A suit for permanent injunction was filed by the said Senthil Kumar before the Additional District Munsif Court, Karur.

4.The third respondent has filed a counter stating that the fifth respondent has applied for mining rough stone for five years to an extent of 5,37,903 cubic metres in S.F.No.453/1 (part), 455/A1 (part), 455/A2 (part) and 455/A3 (part) and 455/B (part) totalling an extent of 4.94.0 hectares and the license is granted for a period of 5 years commencing from December 2015 and lease will expire on 18.12.2020.

5.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader, by referring the counter filed by the third respondent, would state that there is no quarry operation, as alleged by the petitioner in SF.No.435/3.

6.Ms.G.Gayathri, learned Advocate appointed as Advocate Commissioner filed her report. The report says that on the western side of Sy.No.435/3, M-sand materials has been stored and there is no quarry operation.



7. In the light of the above fact, we find no merits in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The parties are directed to work out their remedy before the competent Civil Court.

WEB COPY

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Karur District,
Karur.

2. The Deputy Director,
Geology and Mining Department
Collector Office Building,
Karur District.

3. The Tahsildar,
Aravakuruchi,
Karur District.

4. The District Pollution Control Authority,
Karur District,
Karur.

+1 CC to M/s.V.SITHARANJANDAS, Advocate (SR-52487[F] dated 08/03/2019)

+1 CC to M/s.SPL GP (SR-52608[F] dated 08/03/2019)

+1 CC to M/s.G.GAYATHRI, Advocate (SR-52727[F] dated 08/03/2019)

VS

Writ Petition (MD) No. 22420 of 2018
06.03.2019

_KM/ (27.03.2019) 3P 8C