



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE THARANI

W.P. (MD)No.20445 of 2019

and

W.M.P. (MD)No.17082 of 2019

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... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Department of Geology and Mining,
Fort St.George, Secretariat,
Chennai-9.
- 2.The Commissioner,
Department of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-32.
- 3.The District Collector,
Collectorate,
Dindigul District.
- 4.The Assistant Director of Geology and Mining,
O/o.The Assistant Director of Geology and Mining,
Dindigul, Dindigul District.
- 5.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul, Dindigul District.
- 6.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Palani, Dindigul District.
- 7.The Aiyalur Town Panchayat,
Rep by its Special Officer,
Aiyalur, Vedachandur Taluk,
Dindigul District.
- 8.T.C.Rajmohan

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the respondent Nos.1 to 7 to take appropriate



action against the respondent No.8 for the Indiscriminate illegal quarrying in S.No.713 and 781 at Aiyalur Village, Vedachandur Taluk, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 & R3 to R7 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R2 : Mr.A.Thiyagarajan
Government Advocate
For R8 : Mr.M.Saravanakumar

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the respondents 1 and 3 to 7, Mr.A.Thiyagarajan, learned Government Advocate for the second respondent and Mr.M.Saravanakumar, learned counsel for the eighth respondent. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner by way of this writ petition would state that the 8th respondent, who is the former president of the Town Panchayat is illegally quarrying sand. This allegation is emphatically denied by the learned counsel, who accepted notice for the eighth respondent and it is submitted that the 8th respondent has been targeted unnecessarily and repeatedly, cases have been filed against him not only by the petitioner herein but also the other persons, who have been set up by the petitioner. All allegations have been found to be false. The eighth respondent was the president of the Town Panchayat for the three consecutive terms.

3. The learned counsel for the petitioner has drawn our attention to the couple of photographs annexed in the typed set of papers, which show that there are tipper lorries and public near the lorries. It is the allegation that the public has protested those tipper lorries, which had quarried the sand and emptied the sand in the land itself.

4. It is the fact that the the writ petitioner herein had approached this Court earlier and filed W.P.(MD)No.13675 of 2011, which was disposed of along with another writ petition in W.P.(MD) No.16756 of 2012 by order dated 25.02.2013, wherein it was the allegation that the eighth respondent has constructed a marriage hall and a mill encroaching the Kulam Poramboke of Ayyalur



Village, Vedasandur Taluk, Dindigul District. Various reports were taken on record by the Hon'ble Division Bench and the writ petition was dismissed.

5. It is true that the petitioner has not disclosed the earlier writ petition. Probably because of change of counsel, the learned counsel, who has filed the present writ petition may not be aware of the same. But, when he comes to Court, he ought to have mentioned about the earlier writ petition. This can be sufficient to initiate contempt action against the petitioner. However, considering the nature of relief sought for and taking note of the fact that there are several places in the State of Tamil Nadu, where illicit quarrying of sand and stone is taking place, we do not propose to take any action against the writ petitioner, but we admonish him for not disclosing of earlier writ petition. *De hors* the fact that the petitioner sought to take action against the eighth respondent, it will be fair to us to direct the officials to look into the matter and examine whether there is any illicit quarrying of sand or any water body or any other place in the said area. Accordingly, we direct the respondents 4, 6 and 7 to inspect the area and ascertain whether there is any illicit quarrying of sand and if it is found, appropriate legal action shall be taken against the offending parties.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
Department of Geology and Mining,
Fort St.George, Secretariat, Chennai-9.

2.The Commissioner,
Department of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-32.



3.The District Collector,
Collectorate,
Dindigul District.

4.The Assistant Director of Geology and Mining,
O/o.The Assistant Director of Geology and Mining,
Dindigul, Dindigul District.

5.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul, Dindigul District.

6.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Palani, Dindigul District.

7.The Aiyalur Town Panchayat,
Rep by its Special Officer,
Aiyalur, Vedachandur Taluk,
Dindigul District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-88875[F] dated 24/09/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-89108[F] dated 25/09/2019)

+1 CC to M/s.GP (SR-89369[F] dated 25/09/2019)

ORDER MADE IN
W.P. (MD)No.20445 of 2019
23.09.2019

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