



WEB COPY

W.P.(MD)No.20481/2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.20481 of 2019

and

W.M.P. (MD)Nos.17107 and 17109 of 2019

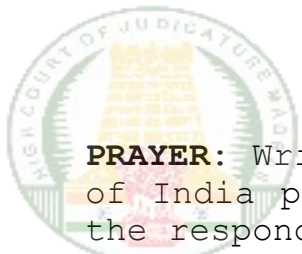
K.Krishnan

.. Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The District Collector,
Tuticorin District, Tuticorin.
- 4.The Superintendent of Police,
Madurai District, Madurai.
- 5.The Assistant Director of Mines,
Mines and Geology Department,
Collectorate, Madurai District,
Madurai-625 020.
- 6.The Tahsildar,
Taluk Office,
Thirumanagalam Post and Taluk,
Madurai District.
- 7.The Tahsildar,
Taluk Office,
Kallikudi Taluk,
Madurai Distirct.
- 8.The Chairman and Managing Director,
Rail Vikas Nigam Limited,
Railway Station Parking,
Venkatesha Agraharam,
Mylapore, Chennai-600 004.
- 9.M/s.BVR Enterprises,
No.71A, 4th Street,
A.S.Nagar, Ennore,
Chennai-600 057.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to take appropriate actions against the ninth respondent for doing the illegal and quarry operation in Madurai, Virudhunagar and Tuticorin Districts and forbearing the first respondent from issuing licence or approval or consent order to dig sand from the tanks situated in Madurai District.

For Petitioner : Mr.M.Saravanakumar

For R1 to R7 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R8 : Mr.A.Hajamohideen

For R9 : Mr.R.Anand
for Mr.R.Niresh Kumar

ORDER

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

Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 1 to 7, Mr.A.Hajamohideen, learned counsel for the eighth respondent and Mr.R.Anand, learned counsel for Mr.R.Niresh Kumar, learned counsel for the ninth respondent.

2. This Public Interest Litigation has been filed by the resident of Kooda Kovil Village, Thirumangalam Taluk, Madurai District stating that the eighth respondent is illegally quarrying sand for implementation of a railway project executed by the eighth respondent. When the writ petition came up for admission on 23.09.2019 after hearing the parties, this Court has passed the following order:-

"We have heard Mr.Isaac Mohanlal, learned Senior Counsel, assisted by Mr.S.Paul Murugesh, learned counsel on record for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who takes notice for the respondents 1 to 7.

2. The allegation made by the petitioner is that the eighth respondent is illegally removing gravel in large quantities, without any permission from the District Collector. In this regard, photographs have been produced before this Court to substantiate the stand taken by the petitioner that there is indiscriminate and illegal exploitation of gravel.



3. The learned Special Government Pleader has produced a proceedings, dated 31.08.2019, issued by the District Collector, Madurai, addressing to the eighth respondent. In the said proceedings, there is a reference to a surprise raid conducted by the Assistant Geologist, Regional Flying Squad, Madurai Region and Special Revenue Inspector-I (Mines), Madurai and the vehicle, which was transporting the gravel without transport permit, has been seized. The District Collector's report states that the gravel is used for the Railways development work by the eighth respondent, without getting Government permission. In this background, the District Collector, Madurai, called upon the eighth respondent to furnish details regarding the purchase of minor minerals, like, earth, bluemetal and gravel used for the doubling of Railway Projects falling under the limits of Madurai District in between Madurai and Kallikudi, within a stipulated time.

4. In the light of the above, the respondents 8 and 9 are restrained from in any manner quarrying gravel in the Government land without obtaining prior permission from the competent authority.

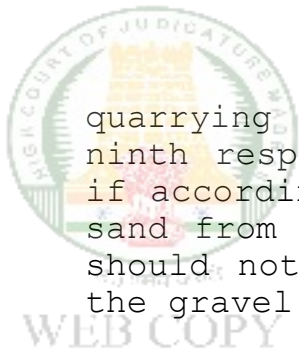
5. Notice to the respondents 8 and 9 through Court as well as privately for the hearing on 15.10.2019.

6. Call on 15.10.2019."

3. The petitioner's case is that no permission has been obtained for quarrying sand in the area in question and without obtaining such permission, the sand has been quarried and utilised by the third respondent for the contract work.

4. The ninth respondent has on the other hand filed a proceedings of the first respondent, dated 26.02.2019 and the permission is said to have been granted by the Geology and Mining Department. On perusal of these documents, it is evidently clear that none of the permission stands in the name of the ninth respondent or the eighth respondent. Apart from that, we note that there is also a ban imposed by this Court in a Public Interest Litigation for quarrying sand in certain areas. Perusal of the permission granted by the Geology and Mining Department, shows that it is the permission for quarrying gravel.

5. The learned Special Government Pleader submitted that the District Collector had granted permission neither to the eighth nor to the ninth respondent to quarry sand. Further the ninth respondent stated that he has purchased sand and his vendors are



quarrying sand in the area in question, for the activities of the ninth respondent, no such quarrying shall be permitted. Further, if according to the ninth respondent, he has been purchasing gravel sand from authorised operators, it is a different aspect and there should not be any impediment for the ninth respondent to purchase the gravel from authorised purchaser.

6. The District Collector shall ensure that no river sand is quarried in the area pointed out by the petitioner without obtaining any permission, more particularly, when certain areas have been injuncted from being utilized as quarries. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

ta

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The District Collector,
Tuticorin District, Tuticorin.
- 4.The Superintendent of Police,
Madurai District, Madurai.
- 5.The Assistant Director of Mines,
Mines and Geology Department,
Collectorate, Madurai District,
Madurai-625 020.
- 6.The Tahsildar,
Taluk Office,
Thirumanagalam Post and Taluk,
Madurai District.



7.The Tahsildar,
Taluk Office,
Kallikudi Taluk,
Madurai Distirct.

WEB COPY

+1 CC to SPL GP (SR-96335[F] dated 06/11/2019)

+1 CC to Mr.P.SAMUEL GUNASINGH, Advocate (SR-96243[F] dated
05/11/2019)

+1 CC to Mr.A.HAJAMOHIDEEN, Advocate (SR-96475[F] dated
06/11/2019)

W.P (MD) No.20481 of 2019
05.11.2019

VB(25.11.2019) 5P 11C