



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.21743 of 2019

and

W.M.P. (MD) .No.18478 of 2019

WEB COPY

Madurai Sugar Mill Sugar Cane
Producers Sangam
Pallapatti Post,
Nilakottai Taluk,
Dindigul District rep by its
Treasurer Manikandan

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Superintendent of Police,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.The Deputy Superintendent of Police,
Nilakottai Circle,
Dindigul District.

5.K.Govindaraj

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take effective and appropriate action to stop all illegal sand quarry operations in and around Vaigai River Bed and other rivers situated in Dindigul District and thus prevent the illegal transportation of sand from the rivers and further 1st and 2nd respondents to take appropriate action against Revenue Officials and police Officials, who are abetting the commission of crime of sand smuggling as per G.O.Ms.No.62 Home Prohibition and Excise (XVII) Department dated 01.10.2018.

For Petitioner: Mr.R.Suresh Kumar

For R1 to R4 : Mr.A.Muthukaruppan

Additional Government Pleader

: Mr.M.Saravanakumar



ORDER

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

Heard Mr.R.Suresh Kumar, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondent Nos.1 to 4 and Mr.M.Saravanakumar, learned counsel appearing for the fifth respondent.

2.By consent on either side, this writ petition is taken up for disposal.

3.This writ petition has been filed by an Association stating that there is illicit mining going on in the Vaigai River bed and inspite of the direction issued by this Court earlier, no action has been initiated by the first and the second respondents. In order to ascertain the correct factual position, we directed the learned Additional Government Pleader to obtain written instructions and file a counter affidavit. The fourth respondent, who is now functioning as the Deputy Superintendent of Police, Nilakottai Sub Division, has filed action taken report, from which, it is seen that the allegation made by the petitioner is false and that there is absolutely no chance for anybody to smuggle any sand from Vaigai River bed. The said submission has been made by referring to the check-post which has been established at vantage-point to prevent any smuggling of sand.

4.Further in the action taken report, it is submitted that the complaint given by the petitioner on 30.09.2019 was forwarded to the Inspector of Police, Ammayanayakanur Police Station for taking necessary action and the Inspector of Police is stated to have prepared summons to the petitioner, however would state that the whereabouts of the petitioner was not known. It is further stated that the present writ petition itself has been filed to settle the personal course against the petitioner's political opponent. In the action taken report, the fourth respondent would state that there is no sand smuggling and there is no possibility for anybody else to smuggle the sand from the Vaigai River bed and there is no offence of sand smuggling from the month of September - October 2019. If the report is read as it is, then is it the fact that prior to September, there was smuggling of sand.

5.Undoubtedly, on account of the monsoon and rains are started, the persons would not able to remove the sand. In any event, even assuming that the petitioner has certain other agenda in moving the writ petition, it is the duty of the authority to continuously keep vigil, so that no sand smuggling shall be done



and the matter shall be monitored by the first and the second respondents and periodical reports shall be submitted by the third respondent to the first respondent and the fourth respondent to the second respondent.

6. With the above observations, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

Ns

To

1. The District Collector,
Dindigul District.

2. The Superintendent of Police,
Dindigul District.

3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4. The Deputy Superintendent of Police,
Nilakottai Circle,
Dindigul District.

+1 CC to M/s.M.SARAVANAN KUMAR, Advocate (SR-92328[F] dated 17/10/2019)

+1 CC to M/s.SPL GP (SR-92513[F] dated 17/10/2019)

+1 CC to M/s.R.SURESHKUMAR, Advocate (SR-92674[F] dated 17/10/2019)

W. P. (MD) .No.21743 of 2019

and

W.M.P. (MD) .No.18478 of 2019

16.10.2019

KM/(06.11.2019) 3P 8C