



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.08.2019
PRONOUNCED ON : 28.11.2019
CORAM:

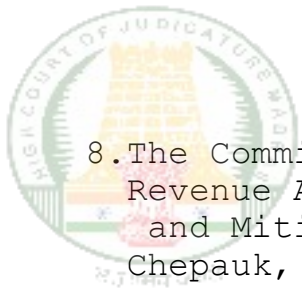
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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.23996 of 2016

M.Rajendran ... Petitioner
Vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
- 2.The Secretary,
Industries Department,
Fort Saint George,
Chennai 600 009.
- 3.The Secretary,
Finance Department,
Fort Saint George,
Chennai 600 009.
- 4.The Secretary,
Revenue Department,
Fort Saint George,
Chennai 600 009.
- 5.The Secretary,
Public Works Department,
Fort Saints George,
Chennai 600 009.
- 6.The Director,
Department of Geology and Mines,
GuIndy, Chennai -600 025.
- 7.The Principal Chief Engineer and Chief Engineer,
Water Resource Department,
Public Works Department,
Chennai 600 005.



8. The Commissioner,
Revenue Administration Disaster Management
and Mitigation Department,
Chepauk, Chennai 600 005.

9. The District Collector,
Collectorate,
Trichy District,
Trichy -1.

10. The District Collector,
Collectorate,
Karur District,
Karur.

11. The Executive Engineer,
PWD, RC Division,
Trichy 1.

12. The Member Secretary,
State Level Environment Impact Assessment
Authority, Tamil Nadu (SEIAA, TN),
3rd Floor, Panagal Maligai, Jeenais Road,
Saidapet, Chennai -15.

13. The Director,
Tamil Nadu, Pondicherry and Andaman @ Nicobar
Islands Geo-Spatial Data Centre,
Survey of India, Block -III,
Electronics Complex,
Thiru.Vi.Ka Industrial Estate,
Guidry, Chennai 600 032.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents (i) to submit a detailed report of the respondent, about the illegal quarrying operation of the river sand took place in the villages Achamapuram of Karur District, Amoor and Ayyampalam of Trichy District and (ii) to invite a CBI or CBCID to probe illegalities, irregularities, action and inactions involved in the Course of illegal quarry operation, from the stage of getting no objection certificates received from various Departments, for submitting the proposal of the 11th respondent for quarrying the river sand to the stage of completion of quarry operation, in the above said three villages Achamapuram of Karur District, Amoor and Ayyampalam of Trichy District and to file a detailed report.

For Petitioner : Mr.M.Rajendran, Party-in-person



For Respondent : Mr.K.Chellapandian,
Nos.1 - 12 Additional Advocate General,
Assisted by
Mr.A.K.Baskarapandian,
Special Government Pleader
For Respondent : Mr.D.Saravanan
No.13

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ORDER

(Order of the Court was made by B.PUGALENDHI, J.)

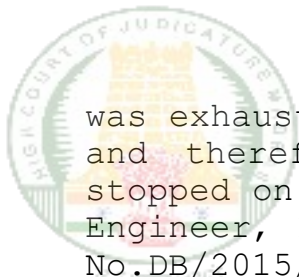
This writ petition styled as a Public Interest Petition is filed by a resident of Musiri, Trichy District for a Writ of Mandamus, directing the respondents to submit a detailed report about the quarrying operation of river sand in Achamapuram of Karur District, Amoor and Ayyampalam of Trichy District and to order for a CBI or CBCID probe in the quarry operation in the above said three villages and to file a detailed report.

2. According to the petitioner, the sand quarry operation was carried out at Achamapuram village, Karur Taluk and District and Amoor and Ayyampalayam villages at Musiri Taluk in Trichy District without following the norms with regard to the depth of quarry and thereby the riparian rights, stream habitats and river geometry, degradation in upstream, downstream and depletion of ground water are affected.

3. Heard Mr.M.Rajendran, Party-in-person and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader and Mr.D.Saravanan, learned Counsel appearing for respondent No.13.

4. The Executive Engineer, Public Works Department, RC Division, Trichy has filed a counter affidavit that the licences for the above quarry sites have been issued after thorough inspection and mining operations were carried out in accordance with the licence conditions as well as the conditions imposed by the State Level Environment Impact Assessment Authority [SEIAA].

5. Insofar as the sand quarry at Achamapuram village, Karur Taluk and District is concerned, based on the proposal of the Executive Engineer, Public Works Depart, Trichy, the District Collector, Karur granted permission to quarry the sand in Survey No.265/1 over an extent of 14.50.00 hectares in Cauvery river bed of Achmapuram village for total volume of 4,02,798 M3 sand vide his proceedings in RC No.286/Mines/2012 dated 09.11.2012. The State Level Environment Impact Assesment Authority (SEIAA) has also granted prior environmental clearance for sand quarry at Achamapuram village, vide their letter No.SEAA/TN/F.548/EC/1(a)/4/12, dated 26.12.2012. The permitted quantity of sand in Achamapuram village



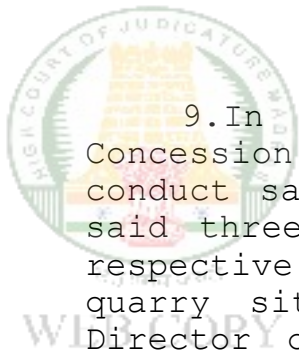
was exhausted by the Public Works Department in the year 2015 itself and therefore, the quarry operation in Achamapuram village was stopped on 24.06.2015 and it was also duly informed by the Executive Engineer, Public Works Department, RC Division, Trichy, vide letter No.DB/2015/F-118/D3, dated 26.06.2015.

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6.The proposal for quarrying of sand in Survey No.352 at Amoor Village, Musiri Taluk, Trichy District was made by the Executive Engineer, Public Works Department, Trichy and the District Collector by his proceedings in RC.No.903/Kanimam/2012, dated 07.12.2012, granted lease in favour of the Department to quarry the sand for a volume of 3,82,720 M3 in Survey No.352 over an extent of 19.00.0 hectares in Cauvery river bed of Amoor Village, Musiri Taluk, Trichy District. The State Level Environment Impact Assessment Authority (SEIAA) has also granted prior environmental clearance for sand quarry in Amoor Village vide his letter No.SEIAA/TN/F.557/EC/1(a)/21/12, dated 07.11.2012. Since the permitted quantity of sand was exhausted in Amoor village also, the sand quarry operation in Amoor village in Musiri Taluk, Trichy District was also stopped on 15.06.2014 and it was also duly informed by the Executive Engineer, Public Works Department, RC Division, Trichy, vide his letter No.DB/M/2014/F-118/D3, dated 19.06.2014.

7.The sand quarry permission was granted for Ayyampalayam quarry site by the District Collector, Trichy, vide his proceedings in RC.No.904/Kanimam/2012, dated 07.12.2012 to the Executive Engineer, Public Works Department, Trichy for quarrying the sand in Survey No.540/2 over an extent of 19.25.0 hectares in Cauvery river bed of Ayyampalayam village, Musiri Taluk, Trichy District, for total volume of 4,06,769 M3. The State Level Environment Impact Assessment Authority (SEIAA) has also granted prior environmental clearance for Ayyampalayam sand quarry vide letter No.SEIAA/TN/F.558/EC/1(a)/23/12, dated 08.11.2012 for quarrying 4,06,769 M3 of sand. Even in this quarry site also, the permitted quantity of sand was exhausted by the Department and the sand quarry operation at Ayyampalayam village, Musiri Taluk, Trichy District was also stopped on 24.08.2014 and it was also duly informed by the Executive Engineer, Public Works Department, RC Division, Trichy vide his letter No.82M/2015/F-118/D3, dated 05.04.2015.

8.In view of the specific stand taken by the 11th respondent that the quarry operations in Achamapuram, Amoor and Ayyampalayam villages have been duly permitted after satisfying with the Rules and the environmental clearance was also obtained and the quarry operations have also been stopped in the year 2014 and 2015 respectively. Due to the passage of time, no useful purpose would be served by entertaining this writ petition ordering for a probe in the year 2019, to find out whether there was any illegalities or irregularities in the course of quarry operations.



9. In view of Rule 38(A) of the Tamil Nadu Minor Mineral Concession Rules, 1959, the Public Works Department is authorised to conduct sand quarry operation in Tamil Nadu and in all the above said three villages, the quarry operations were permitted by the respective District Collectors, after conducting inspection of the quarry sites by the Revenue Divisional Officer, the Assistant Director of Geology and Mining, TWAD Board officials and after satisfying that the norms prescribed under the Tamil Nadu Minor Mineral Concession Rules were complied with.

10. The State Level Environment Impact Assessment Authority has also granted prior environmental clearance based on the mining plan submitted by the Department. The sand quarry operations were also stopped after exhausting the permitted quantity of sand and the closure reports were also duly intimated by the Executive Engineer, Public Works Department, RC Division as early as in 2014 and 2015.

11. Recording the submission made by the Department, this writ petition is closed, as no further order is required to be passed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.

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Industries Department,
Fort Saint George,
Chennai 600 009.

3. The Secretary,
Finance Department,
Fort Saint George,
Chennai 600 009.

4. The Secretary,
Revenue Department,
Fort Saint George,
Chennai 600 009.



5. The Secretary,
Public Works Department,
Fort Saint George,
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6. The Director,
Department of Geology and Mines,
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+1 CC to SPL GP (SR-102836[F] dated 29/11/2019)

W.P. (MD) No. 23996 of 2016
28.11.2019

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