

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.34520 of 2012

and

MP No.1 of 2012

M/s.Mahalakshmi Poultry Farm

Represented by its partner

S. Radhika

.... Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal.

2. The Assistant Director of
Geology & Mining,
Namakkal District Collectorate,
Namakkal.

3. The Tahsildar,
Paramathivelur Taluk,
Namakkal District.

4. Perammandampalayam S.Elavarasan
Men Self Help Society,

Represented by its Secretary,
K.Kandasamy.

Namakkal District

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate action against the respondent for using explosives for quarrying operation in S.No.364 of Perammandampalayam Village, Paramathivelur Taluk, Namakkal District, based upon the representation of the petitioner dated 10.12.2012 and consequently forbear the 4th respondent from using explosives for quarrying operation in S.No.364 of Perammandampalayam Village, Paramathivelur Taluk, Namakkal District.

For petitioner : Mr.R.Karthikeyan

For respondents : Mr.K.Ravikumar
AGP for R1 to R3
Mr.R.Krishnaswamy
for R4 - No appearance

ORDER

The learned counsel for the petitioner submitted that the petitioner is satisfied if paragraphs Nos.7 and 8 of the status report filed by the first respondent is recorded by this Court and the writ petition can be disposed of in terms thereof.

2. Paragraphs 7 and 8 of the said status report dated 19.12.2019 filed by the first respondent reads as follows :-

7. It is submitted that the quarrying operations were done adhering to the rules and regulations. The leased area was clearly demarcated and boundary stones erected at all corners. Only closed method of blasting was followed and rocks were sized up only with traditional implements like hammers and crowbars. No heavy machinery and high explosives were used in the quarrying operations. Furthermore, there was no noise or dust pollution which caused mortality among the poultry or danger in other ways as alleged by the petitioner.

8. It is submitted that transit permits were issued to the lessee from 2008-09 to 2013-14 and a total of 3859 cbm of rough stones had been quarried and transported from the quarry site. The quarry site has been inspected frequently to ascertain whether quarrying operations are being carried according to the rules, regulations and conditions incorporated in the lease deed. The last transit permit was issued to the lessee on 24.05.2013. The lease period ended on 01.06.2013. Since, then no quarrying has been done on the site and the averments and apprehensions of the petitioner are no longer valid.

3. As seen from the status report, the lease in favour of the fourth respondent has ended on 01.06.2013 and no quarrying operations are being done in the site. Since no quarrying operations are done in the site, the apprehensions of the petitioner are removed and nothing further needs to be adjudicated in this writ petition. Recording the submissions made by the learned counsel for the petitioner and in terms of

paragraphs 7 and 8 of the status report filed by the first respondent, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,
Namakkal District,
Namakkal.

2. The Assistant Director of
Geology & Mining,
Namakkal District Collectorate,
Namakkal.

3. The Tahsildar,
Paramathivelur Taluk,
Namakkal District.

+lcc to Mr.R.Karthikeyan, Advocate, S.R.No. 4514

+lcc to the Government Pleader, S.R.No. 5343

RSV(CO)
GN(24/02/2020)

W.P. No.34520 of 2012

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