

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10502 of 2020
and
W.M.P.No.12762 of 2020

R.T.Indumathi,
W/o A.K.Dhanasekar
I.H., 6th Cross,
Jakkappan Nagar,
Krishnagiri-635 115.

...Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by its Secretary,
Industrial Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Mines,
Department of Geology and Mining,
3. The Deputy Director,
Department of Geology and Mining,
District Collectorate,
Krishnagiri - 635 115.
4. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Krishnagiri - 635 115
5. The District Collector,
Krishnagiri District,
Having office at the Collectorate,
Krishnagiri - 635 115.
6. The Tahsildhar,
Bargur,
Bangalore Road,
Krishnagiri H.O.,
Krishnagiri - 635 001.

7. The Revenue Divisional Office,
Veerappa Nagar,
Krishnagiri, Tamil Nadu - 635 001.
8. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.140A, 1st floor,
Sipcot,
Hosur - 635 126.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from carrying out quarrying activities Sl.No.8 most notably the Barur Taluk Shoolamalai village S.F.No.333(P) to an extent of 1.98.0 classified as UAW with the mineral as Colour Granite to ensure that such activity is done in accordance with the Tamil Nadu Minor Mineral Concession Rules 1959 to maintain the area's ecology and for further reliefs.

For Petitioner : Mr.MA.Gouthaman

For Respondents : Mr. E.Manoharan,
Special Government Pleader
for R1 to R4
Mr.R.Vijayakumar,
Additional Government Pleader
for R5 to R8.

ORDER

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for a Mandamus to forbear the the respondents from carrying out quarrying activities Sl.No.8 most notably the Barur Taluk Shoolamalai village S.F.No.333(P) to an extent of 1.98.0 classified as UAW with the mineral as Colour Granite to ensure that such activity is done in accordance with the Tamil Nadu Minor Mineral Concession Rules 1959 to maintain the area's ecology and for further reliefs.

3. Mr.E.Manoharan, learned Special Government Pleader takes notice for respondents 1 to 4. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondents 5 to 8.

4. The grievance of the petitioner before this Court is that the respondents are trying to carry on quarrying activities in the subject matter land, which if permitted, would cause danger to the petitioner and other residents living in that area. Therefore, the petitioner seeks for issuance of the Mandamus as stated supra.

5. Mr.E.Manoharan, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the writ petition is highly premature. He further submitted that only tender has been floated and even the successful bidder cannot operate the quarrying operation without getting environment clearance certificate. Therefore, he submitted that before granting environment clearance certificate, the concerned authority will issue public notice and at that time, the petitioner can make her objections before the concerned authority. Thus, he contended that only after getting the environment clearance certificate, the lessee can quarry. When all those stages have not yet come so far, he submitted that the present writ petition filed at this stage, is premature. The said statement is recorded.

6. Considering the above submission made by the learned Special Government Pleader appearing for respondents 1 to 4, this Writ Petition is disposed of, without expressing any view, as of now, on the merits of the claim made by both parties, only by granting liberty to the petitioner to work out her remedy at the appropriate time by making objections before the concerned authority, when a public notice is issued calling for objection. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Industrial Department,
Fort St.George,
Chennai - 600 009.

2. The Director of Mines,
Department of Geology and Mining,
Guindy Industrial Estate,
Guindy 600032.
3. The Deputy Director,
Department of Geology and Mining,
District Collectorate, Krishnagiri - 635 115.
4. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Krishnagiri - 635 115
5. The District Collector,
Krishnagiri District,
Having office at the Collectorate,
Krishnagiri - 635 115.
6. The Tahsildhar,
Bargur, Bangalore Road,
Krishnagiri H.O.,
Krishnagiri - 635 001.
7. The Revenue Divisional Office,
Veerappa Nagar, Krishnagiri,
Tamil Nadu - 635 001.
8. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.140A, 1st floor, Sipcot,
Hosur - 635 126.

+1cc to Mr.A.Gowthaman, Advocate, S.R.No.26443
+1cc to Government Pleader, S.R.No.26454

सत्यमेव जयते

W.P.No.10502 of 2020

PVS (CO)
KKV/21/08/2020

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