

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.15007/2020 & WMP.No.18683/2020

M.Palani

.. Petitioner

Versus

1.The District Collector
Thiruvannamalai District.

2.The Director of Geology and Mining
Thiruvannamalai.

3.R.Ganesan

4.M.Ramachandran

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from in any manner carrying on the quarry operations in the lands of an extent of 4.50.0 Hectates in S.No.301 [Part 2] and an extent of 2.00.0 Hectares in S.No.301 [part 3] in Athi Village, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mrs.A.L.Ganthimathi

For RR1&2 : Mr.E.Manoharan, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN]

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.
- (3)The petitioner is a resident of Athimalai Village, Elanir Kundra Post, Cheyyar Taluk, Thiruvannamalai District and he came forward to file this writ petition, styled as a Public Interest Litigation and would submit that in his village, there is a small hillock with land in S.No.301 and that apart, it act as a natural barrier during rainy seasons and

water used to percolate and reaches Cheyyar river beyond Athimalai and that apart, two temples, viz., Kanniamman Temple and Murugan Temple are located.

- (4) The learned counsel for the petitioner would submit that the 1st respondent has issued a Notification for grant of license to quarry stones in S.No.301 [part 2 and 3] for an extent of 4.50.0 Hectares and 2.00.0 Hectares respectively to respondents 3 and 4. The learned counsel, by drawing the attention of this Court to the representations dated 14.08.2020, 17.08.2020 and 05.09.2020 respectively as well as the photographs, would submit that under the garb of granting license to the private respondents to quarry stones, the entire hillock is going to disappear and the two temples are likely to be demolished and in this regard, peaceful protests are also happening continuously and without understanding the anxiety and sentiments of the residents of the locality, steps are being taken to hand over the actual possession of the sites to respondents 3 and 4 and prays for appropriate orders.
- (5) Per contra, Mr.E.Manoharan, learned Special Government Pleader appearing for respondents 1 and 2 has drawn the attention of this Court to the Preliminary Counter Affidavit of the 1st respondent dated 04.11.2020 as well as photographs and would submit that on an earlier occasion, license was granted to quarry stones in S.No.301/1 which is the adjacent land for which the petitioner did not have any objection and after following due and transparent formalities, auction was held and respondents 3 and 4 became successful and unless the private respondents obtain necessary environmental clearance from the State Level Environmental Impact Assessment Authority [SEIAA] as prescribed under Rules 41 and 42 of the Tamil Nadu Mines and Minor Concessional Rules, 1959, the Lease Deed will not be executed and the quarry sites will not be handed over. It is also pointed out by the learned Special Government Pleader that anticipating the result of the auction, one Vinayagam has installed the idol of Lord Muruga on 22.07.2020 in the site and trying to make it as a devotional place and therefore, the 1st respondent has directed the Revenue Divisional Officer, Cheyyar, to take appropriate action and accordingly, vide proceedings in RC.No.18/Kanimam/2019 dated 24.07.2020, steps are being taken to remove the said idol which came to be installed unlawfully.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) It prima facie appears that the 1st respondent, after following due process of law, has conducted the auction in which respondents 3 and 4 became successful and unless and until they obtain the environmental clearance from the State Level Environmental Impact Assessment Authority, the Lease Deeds as well as sites would not be handed over to them. It is also to be noted at this juncture that the State Level

Environmental Impact Assessment Authority, before according the environmental clearance, shall also depute personnel to the sites in question and cause independent inspection and verification as to the ground reality and thereafter, proceed further in accordance with law. As and when such clearance is given and Lease Deeds are executed and sites are handed over to the private respondents, viz., respondents 3 and 4, respondents 1 and 2 are under obligation to cause regular and surprise inspection to find out that general as well as special conditions of the License are scrupulously and strictly complied with by them and if any infraction is noted, immediate, necessary and appropriate action would be taken against them as well as the concerned officials/persons.

(8) The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Thiruvannamalai District.
2. The Director of Geology and Mining
Thiruvannamalai.
3. The Secretary,
State level Environmental
Impact Assessment Authority,
No.1, Collector Nagar, Perambur
Puzhal Main Road, Kathirvedu.

+1cc to M/s.AL.Ganthimathi, Advocate SR.36545

SS(CO)
CB(11/12/2020)

WP.No.15007/2020