

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16020 of 2020
and W.M.P.No.19932 of 2020

P.Palaniappan

..Petitioner

Versus

1. The District Collector,
Collector's office, Salem District 636 001.
2. The Assistant Director,
Geology and Mining,
No.95, Sankar nagar, Salem 636 007.
3. The Chairman,
Petroleum and Explosives Safety Organisation,
Department of Explosives,
No.140, Rukmani Lakshmipathi Road,
Egmore, Chennai 600 008.
4. The Assistant Director,
Tamil Nadu Pollution Control Board,
No.1/276, Siva Towers,
Meiyanoor Main Road, Salem 36004.
5. The Revenue Tahsildar cum coordinator
Regional Special Executive Committee,
Valapadi Taluk, Salem District.
6. M/s.K.S.Blue Metals and Girisagajanya Projects
rep.by its Proprietor Selvakumar
Masinaickenpatti Village,
Valapadi Taluk, Salem District.
7. M/s.Sri Parasakthi Blue Metal rep.by its
Proprietor Bhaskar
Maninaickenpatti Village, Valapadi Taluk,
Salem District.

..Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus Directing the 1st respondent to consider the representation of the Petitioner dated 17-8-2020 requesting for the cancellation of the license granted to the respondents 6 and 7 within the time stipulated.

For Petitioner : Mr.M.Devaraj

For Respondents: Mr.E.Manoharan
Special Government Pleader
for R1 and R2
Ms.R.Durgarani, CGSC for R3

ORDER

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

The petitioner claims to be a resident of Varagambadi, Masinaickenpatti Village, Valapadi Taluk, Salem District and he came forward to file this Writ Petition as a Public Interest Litigation, alleging that the private respondents 6 and 7 in utter violation and disregard to the conditions of license, started quarrying and thereby creating air and noise pollution and also indulged in unauthorised and illegal quarrying and the same also results in hardship, inconvenience and difficulties to the agriculturalist, who are having agricultural land nearby as well as the residents.

2. Mr.M.Devaraj, learned counsel appearing for the petitioner has drawn the attention of this Court to the photographs available at page no.8 of the typed set of papers and would submit that the 4th respondent, acting on the representation submitted by one P.Murugan and 18 others dated 17.08.2020 to the Hon'ble Chief Minister (Grievance Cell), has directed the 5th respondent to cause inspection and enquiry and in the event of genuineness or truthfulness in the said representation, take further action and send a report to him. Though nearly two months period had lapsed from the date of said communication, nothing is moving forward and therefore, he is constrained to approach this Court by filing this Writ Petition.

3. Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of the 2nd respondent and on instructions would submit that the private respondents are having Environmental Clearance as well as the Pollution Control Board clearance and the agricultural lands pointed out by the petitioner actually belong to them and the petitioner, without putting any due diligence, has filed this Writ Petition styled as a Public Interest Litigation with an oblique and malafide

motive and also points out that in the absence of any relevant or authenticated materials, this Court may not pass any positive orders and prays for dismissal of this Writ Petition with exemplary costs.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. This Court can also take note of the fact that sometimes, quarries may exist for quite long time and adjacent or nearby to the quarries, there may be encroachments or development of unauthorised layouts and constructions are also came to be put up unauthorisely and thereafter complaints arouse as if licenses have been granted for quarrying without adhering to the relevant norms and of course, there is also other side of the story, wherein the licensee is started indulged in unauthorised and illegal quarrying, without adhering to the terms and conditions of the license and sometimes, totally illegal quarrying without obtaining any license or permission at all.

6. In the light of the above facts and circumstances, the 5th respondent, while taking action on the basis of the communication of the 2nd respondent dated 11.09.2020 in Na.Ka.No.05/2020/Mineral-A shall also verify as to the fact that adjacent to the quarry, whether there is an unauthorised development of a layout / unauthorised construction and whether any agricultural operations are taking place on the said land or encroached lands and his report to the 2nd respondent in this regard shall also deal with the said aspect also. The 5th respondent, in terms of the above cited communication of the 2nd respondent dated 11.09.2020, shall also adhere to the principles of natural justice, by eliciting response from the respondents 6 and 7 and submit a report to the 2nd respondent as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the respondents 6 and 7. It is also made clear that this Court while dispose of the Writ Petition, have not gone into the merits or otherwise of the rival claims.

7. The Writ Petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collector's office,
Salem District 636 001.
2. The Assistant Director,
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Salem 636 007.
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Petroleum and Explosives Safety Organisation,
Department of Explosives,
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Meiyanoor Main Road, Salem 36004.
5. The Revenue Tahsildar cum coordinator
Regional Special Executive Committee,
Valapadi Taluk, Salem District.

+1cc to M/s.M.Devaraj, Advocate, S.R.No.36258

+1cc to the Government Pleader, S.R.No.36496

W.P.No.16020 of 2020

AJS (CO)
RV (10/12/2020)

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