

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-03-2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.25946 OF 2019

C.Prabhu

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Petitioner in person

-vs-

- 1.The State Level Environment Impact Assessment Authority-Tamil Nadu,
represented by its Member Secretary,
3rd Floor, Panagal Maligai,
Saidapet,
Chennai-600 015.
- 2.The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet,
Chennai-600 015.
- 3.The Tamil Nadu Pollution Control Board,
represented by its Member Secretary,
76, Mount Salai, Guindy,
Chennai-32.
- 4.The District Collector,
Villupuram, Collectorate Office,
Villupuram-605 602.
- 5.The Assistant Director,
Mines & Geology,
Villupuram District,
Collectorate Office,
Villupuram-605 602.

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- 6.The District Forest Officer,
Villupuram,
Villupuram-605 602.
 - 7.The Tamil Nadu Pollution Control Board,
represented by District Environment Engineer-Villupuram,
Villupuram District-605 602.
 - 8.The Revenue Divisional Officer,
Thirukovilur,
Villupuram District-605 757.
 - 9.The Tahsildar,
Ulundurpettai Taluka Office,
Villupuram-605 602.
 - 10.The Superintendent of Police,
Villupuram District-605 602.
 - 11.The Sub-Inspector of Police,
Edaikkal Police Station,
Ulundurpet Taluka,
Villupuram-606 305.
 - 12.The Village Administrative Officer,
Thirupair Village,
Ulundurpet Taluka,
Villupuram District-606 305.
 - 13.The Village Administrative Officer,
Edaikal Village,
Ulundurpet Taluka,
Villupuram District-606 305.
 - 14.Mrs.Sujatha
 - 15.The Partner, M/s.Sri MLN Projects
 - 16.Mr.Zakir Hussain
- Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 4, 9, 10 and 11 to take immediate action to stop the illegal mining of rough stones at Edaikal Reserve Forest Area located near Survey Nos.16/2 & 17 at Edaikal Village and near Survey No.333/2 at Edaikal Village and consequently recover the revenue loss occurred to the Government and put heavy fine on those who have indulged in illegal mining at Forest and those who have illegally benefited out of the illegal mining and also to direct respondents 4 and 9 to take immediate action on the

person/entity who have damaged cartways cum waterways at Survey Nos.359 & 388 and converted them into road by removing vegetation surrounding them and also take action against those who have laid illegal road at Thirupair Periya Eri (Survey No.301/7) in order to transport illegally mined rough stones from Edaikal Reserve Forest to the Stone Crusher operating at Thirupair Village at Survey Nos.383 and 385.

For Petitioner : Mr.C.Prabhu,
Party in Person.

For Respondent 1 : Ms.Sunita Kumari
Standing Panel Counsel.

For Respondents 2 & 6 : Mr.Vijay Prasanth,
Assistant Government Pleader (F)

For Respondents 3 & 7 : Mr.Abdul Saleem
For Respondents 4,5 & 8 to 13 : Mr.E.Manoharan,
Addl.Govt.Pleader.

For Respondent 16 : Mr.R.Ganesh Kumar

ORDER
(By M.M.Sundresh,J.)

This Writ Petition has been filed as a Public Interest Litigation, seeking appropriate action for illegal quarrying operations against the private respondents.

2. From the Counter Affidavits filed by the official respondents, it appears that action has already been taken against the said illegal quarrying operations, cancelling lease and initiating recovery proceedings against the persons concerned.

3. This Court, on an earlier occasion, expressed its intention to expand the scope to the nearby mining operations as well.

4. The petitioner, who appears as Party-in-Person, has filed an Affidavit, alleging the illegal quarrying operations, from which, this Court noticed that one of the allegations made by the petitioner is that for having taken up a public cause, a false case has been foisted against the brother of the petitioner.

5. On perusal of the records, this Court found that the aforesaid allegation made by the petitioner is absolutely false and without any basis. In fact, the case itself has been registered on an issue raised by the brother of the petitioner with respect to issuance of a Patta. Having found a cognizable offence being made out, a case has been registered in Crime No.29 of 2020 on the file of Edaikkal Police Station and the accused is arrested.

6. From Counter Affidavit, dated 04.03.2020, filed by the fourth respondent, it is seen that the irregularities in the quarrying operations are not very serious and the licensees are advised to rectify the same. Some of them have also been informed that if the irregularities are not rectified, licences would be cancelled.

7. Thus, on perusal of the Counter Affidavits filed by the official respondents, we are satisfied that action is taken by the fourth respondent against the irregularities in quarrying operations, which are not very serious violations.

8. In such view of the matter, we do not wish to keep this Writ Petition pending any longer. Accordingly, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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represented by its Member Secretary,
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2.The Principal Chief Conservator of Forests,
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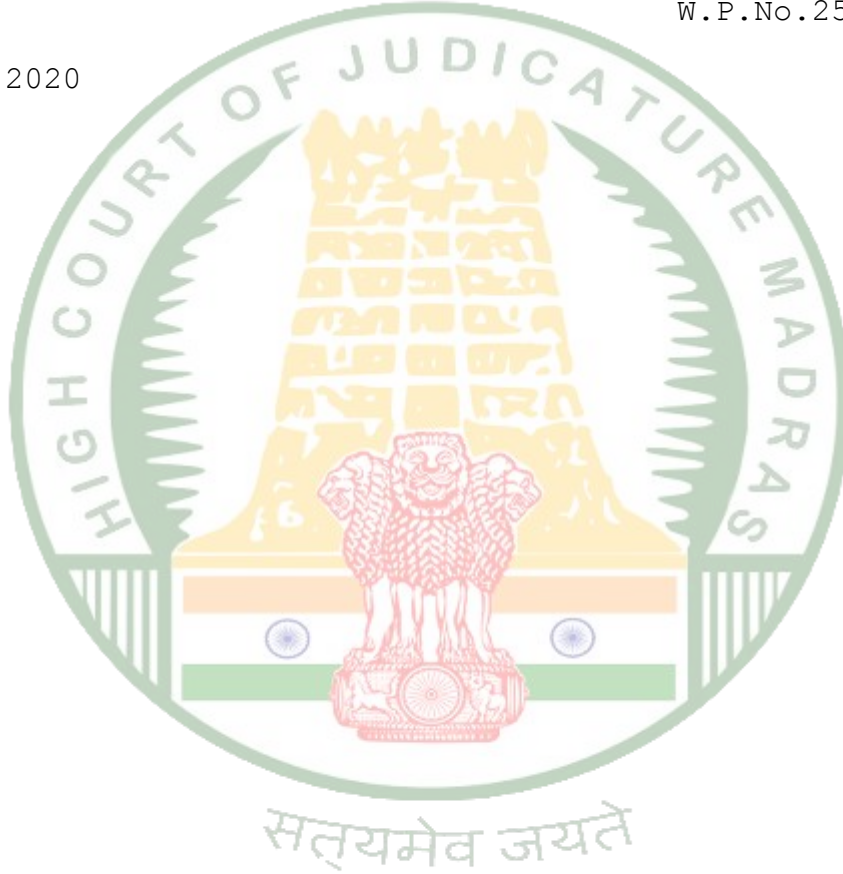
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- 12.The Village Administrative Officer,
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Ulundurpet Taluka,
Villupuram District-606 305.
- 13.The Village Administrative Officer,
Edaikal Village,
Ulundurpet Taluka,
Villupuram District-606 305.

14.The Government Advocate,
High Cout, Madras- 600 104.

+1cc to M/s Sunitakumari,Advocate,in C.A.S.R.No.20940 of 2020.
+1cc to Mr.P.S.Kothandaraman,Advocate in C.A.SR.No.20801 of 2020.
+1cc to Special Government Pleader(Forest)in
C.A.S.R.No.20927/2020.
+1cc to Mr.Abdul Saleem, Advocate in C.A.S.R.No.21078 / 2020
+1cc to the Government Pleader, in C.A.S.R.No.21175 of 2020.

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CO/RJI
adl/27.05.2020



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