

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No. 34741 of 2019

Mr.J.Kothandan

... Petitioner

Vs

1. The District Collector
Collectorate
Tiruvallur - 602 001.
2. The Revenue Divisional Officer
RDO Office
Tiruvallur - 602 001.
3. The Assistant Director of Mines
Tiruvallur District
Tiruvallur - 602 001.
4. The Tahsildar
Taluk Office Campus
Tiruvallur - 602 001.
5. The Inspector of Police
D5 Manavala Nagar Police Station
Thiruvallur - 602 002.

6. R.Sampath

... Respondents

PRAYER : Writ Petition filed under 226 of the Constitution of India to issue a Writ of Mandamus or other orders in the nature of Writ directing the respondents 1 to 5 to safeguard the sand and water source in the lake namely Putheri Eri in No.120 Valasaivettikadu Village, Thiruvallur Taluk and District and take action in accordance with law as per the petitioner's representation dated 01.07.2019 and decide the issue expeditiously in accordance with law.

For Petitioner : Mr. K.Balaji

For RR 1 & 5 : Mr.G.K.Nuthukumar
: Special Government Pleader

No appearance
for 6th Respondent.

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

This Writ Petition has been filed by the petitioner seeking appropriate direction to safeguard the sand and water source and take action on the representation dated 01.07.2019.

2. The learned counsel for the petitioner submitted that notwithstanding the complaint made, no action has been taken. Reliance has been made on the representation of the Tashsildar dated 05.07.2019 sent to the Deputy Superintendent of Police and the Inspector of police, Manavalanagar Police Station, the petitioner has also given several complaints to the respondents 1 to 4.

3. The learned Special Government Pleader on instructions, submitted that the vigilance has become difficult in view of the information being leaked out. However, vehicles, which were involved in illegal quarrying sand, have been seized and FIRs have been registered. So far 110 cases have been filed pertaining to Thiruvallur Taluk in the month of January 2020. Now there are sufficient water in the tank and therefore, there is no question of illegal mining of the sand.

4. We are not satisfied with the action taken so far. If 110 cases have been registered with the available information, it would show that illegal mining is going on at a ram speed. Probably, the approach of the respondent Nos. 1 to 5 is not correct. They have to conduct periodical inspection over the places in which illegal mining is going on. They are supposed to act swiftly as and when the information obtained by them. The very purpose of registering the First Information Reports is to prevent further illegal mining and it is not fair on the part of the concerned officials to keep silent without taking proper

action.

5. We are at loss to understand as to why no FIR has been registered against the individual, who has been specifically identified by the Tahsildar and gave the complaint on 05.07.2019 specifying his name and his activities. The aforesaid person, namely, the sixth respondent has not chosen to come before this Court despite notice has been served which declined to receive it and his name has been printed in the cause list.

6. In such view of the matter, we direct the respondents 1 to 5 to register the complaint against the sixth respondent, conduct the investigation and thereafter file a final report within a period of 8 weeks from the date of receipt of a copy of this order. The first respondent is directed to conduct periodical inspection in the place where First Information Report has been registered for illegal mining and thereafter seize the vehicles. Once the vehicles have been seized, they shall not be released as directed by the Division Bench of this Court, except by a due process.

7. The Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsg

To

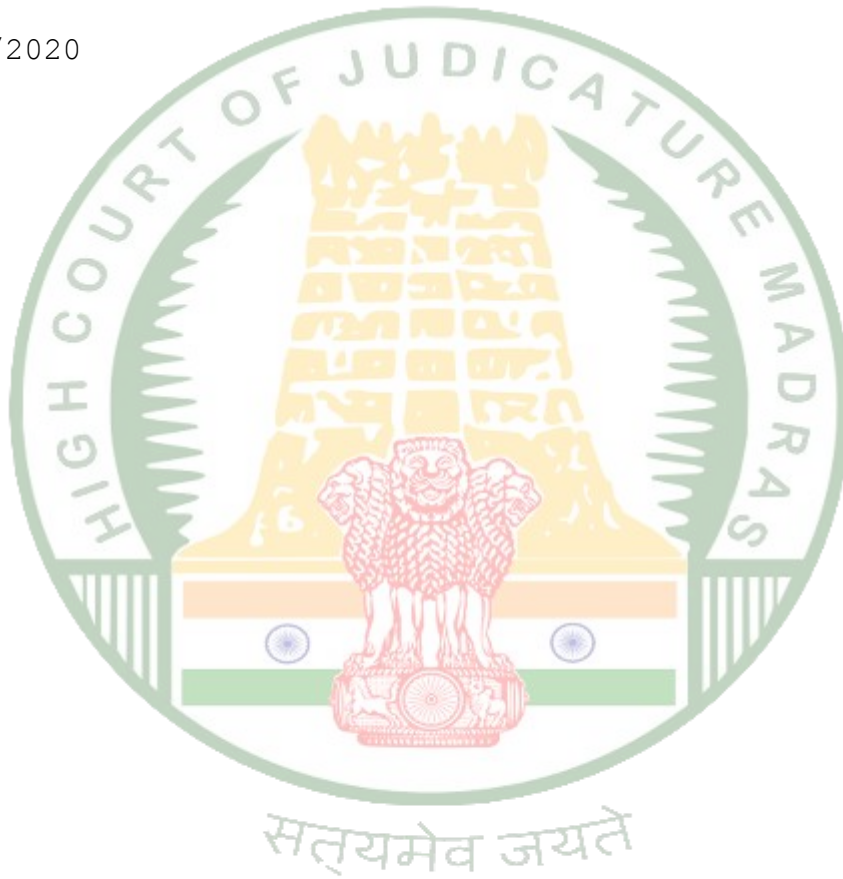
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Thiruvallur - 602 002.

+1cc to Mr.K.Balaji, Advocate, S.R.No.20147
+1cc to the Government Pleader, S.R.No.20659

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PVS (CO)
KKV/12/06/2020



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