



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.4297 of 2020

and

W.M.P(MD)Nos.3615 to 3617 of 2020

N.Rajesh Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Deputy Director,
Department of Mines and Geology,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

4.P.S.K.Balasubramanian

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for records pertaining to the impugned order passed by the first respondent in favour of the fourth respondent, vide Na.Ka.No.M2/107/2016, dated 06.02.2020 and subsequently, quash the same as illegal and further direct the respondents 1 and 2 to stop issuing new permission in the name of *Uvari* or *Ubari* and *Sengarkaliman* from patta lands and also to strictly comply with G.O.Ms.No.135, dated 13.11.2019 in curbing the illegal sand mining forthwith.

For Petitioner : Mr.J.Sankara Pandian

For Respondents : Mr.R.Sethuraman
Special Government Pleader
for R.1 to R.3

Mr.T.Kumar for R.4



ORDER

[Order of the Court was made by **P.N. PRAKASH, J.**]

In this Public Interest Litigation, the petitioner is challenging the quarry licence, dated 06.02.2020, that has been granted by the respondents 1 to 3 to the fourth respondent, on the ground that the fourth respondent is illegally quarrying sand in violation of the conditions of licence. Even in the affidavit sworn to by the petitioner, he has stated that he had earlier filed a writ petition in W.P(MD)No.3241 of 2020 for a writ of Mandamus to the revenue authorities to strictly comply with the mandates of G.O.(Ms) No.135, dated 13.11.2009 and to stop the fourth respondent from removing *Uvari* or *Ubari* and *Sengarkaliman*.

2. The learned Special Government Pleader appearing for the respondents 1 to 3 produced a copy of the order dated 18.02.2020 passed by this Court in W.P(MD)No.3241 of 2020 [in which, one of us, B.PUGALENDHI, J., was part of the Division Bench].

3. The learned Counsel for the fourth respondent submitted that in W.P(MD)No.3241 of 2020, the petitioner herein had made one P.S.K.Balasubramanian and G.Sathishkumar as respondents and averred that quarry licences were issued to them. However, in the present writ petition, the petitioner has left out G.Sathishkumar and impleaded only P.S.K.Balasubramanian as the fourth respondent.

4. That apart, the learned Counsel for the fourth respondent brought to the notice of this Court that even according to the affidavit filed by the petitioner, he is a resident in Plot No.3, Door No.423-34, Kaviyanvilla Royal Garden, Pandian Nagar, Kalikappan, Madurai - 20, whereas the quarry in question is located in Ilayankudi Taluk, Sivagangai District, which is over 100 Kms., from the place of the residence of the petitioner.

5. In the opinion of this Court, all these clearly show that there is no public interest involved in this case and this litigation appears to be motivated and hence, this writ petition is devoid of merit and the same is dismissed. No costs. Consequently, the connected writ miscellaneous petitions are also dismissed.

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Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Deputy Director,
Department of Mines and Geology,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

+1 CC to M/s.T.KUMAR, Advocate (SR-10266[F] dated 05/03/2020)

+1 CC to M/s.SPL.GP (SR-10549[F] dated 09/03/2020)

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AP(17.03.2020) 3P 6C