



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.7243 of 2020
and
W.M.P.(MD)No.6682 of 2020

N.Maria Robin

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Director of Geology and Mining,
Chennai.

3.The Deputy Director of Town and Country Planning,
South Bye-Pass Road,
Xavier Colony,
Tirunelveli.

4.The Chief Educational Officer,
Tirunelveli District.

5.The Block Development Officer,
Radhapuram Panchayat Union,
Radhapuram.

6.The Special Officer,
Koodankulam Panchayat,
Radhapuram Taluk,
Tirunelveli District.

7.Nobil Thomas
The Correspondent,
St. Joseph Matric Higher Secondary School,
Red Hills, Chennai-52.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action against the 7th respondent for making construction by violation of Rule 36(1-A)(c) of Tamil Nadu Minor Mineral Concession Rules, 1959 within time stipulation by this Court.



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For Petitioner : Mr.S.Kumar

For R1 to R6 : Mr.S.Angappan
Government Advocate

For R7 : Mr.H.Arumugam

O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner is running a quarry in survey No.205/1A (P) in Irrukanthurai Part-II Village, Radhapuram Taluk in Tirunelveli District. The petitioner has filed the writ petition for taking action against the seventh respondent. The allegation of the petitioner is that the seventh respondent is putting up construction in survey No.152. The apprehension of the petitioner is that if the residential construction is allowed to come up in survey No.152, then his quarrying operation may be prevented in future citing the distance rule set out in Rule 36(1-A)(c) of Tamil Nadu Minor Mineral Concession Rules, 1959.

3.As on date, the seventh respondent has not obtained any building plan approval. However, in W.P.(MD)No.10044 of 2020, I had given a direction to the concerned authority to take a call on the application submitted by the seventh respondent herein. Be that as it may, it is a clear statement made by the learned Government Advocate that the distance between the proposed activity site of the seventh respondent and the quarry site of the petitioner is more than 375 meters, therefore, by no stretch of imagination can quarrying activities of the writ petitioner will be affected by putting up of construction by the seventh respondent herein.

4.In view of the categorical statement made by the learned Government Advocate for the official respondents, I am of the view that no further orders are necessary in this writ petition.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Tirunelveli District.
 - 2.The Director of Geology and Mining,
Chennai.
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South Bye-Pass Road,
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Tirunelveli.
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 - 5.The Block Development Officer,
Radhapuram Panchayat Union,
Radhapuram.
 - 6.The Special Officer,
Koodankulam Panchayat,
Radhapuram Taluk,
Tirunelveli District.
- +1 CC to M/s.Special Govt.Pleader (SR-18110[F] dated 25/09/2020)
- +1 CC to M/s.S. KUMAR, Advocate (SR-18168[F] dated 28/09/2020)

W.P. (MD)No.7243 of 2020
24.09.2020

sjj
SDS (13.10.2020) 3P-9C