



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.7954 of 2020

and

W.M.P. (MD)No. 7404 of 2020

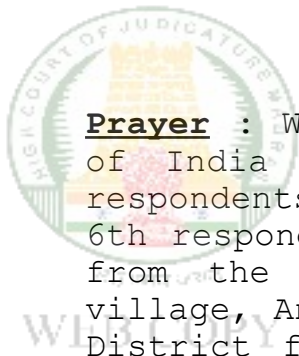
V.Syambu Lingam

... Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Director,
The Directorate of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
3. The Executive Engineer,
Public Work Department,
Division of Water Resources and Irrigation Department,
Kothaiyaru Division, Nagercoil,
Kanyakumari District.
4. The Assistant Director,
The Department of Geology and Mining,
The District Collector's Office Campus,
Nagercoil, Kanyakumari District.
5. The Tahsildar,
Agateeshwaram Taluk,
Nagercoil,
Kanyakumari District.
6. The Larsen Toubro (L&T),
L&T Construction Campus,
2nd floor, TCI Building,
Mount, Poonthamalli Road,
Manappackam,
Chennai - 600 089.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from granting any permission or consent to the 6th respondent for digging and removing of sand, mines and minerals from the ponds located within the boundaries of Alagappapuram village, Anjugramam Town Panchayat, Agatesshwaram Taluk, Kanyakumari District for the formation of four-way roads from Kanyakumari to Thiruvananthapuram in pursuance of the petitioner representation dated 15.06.2020 forthwith.

For Petitioner : Mr. S.Palani Velayutham

For Respondents : Mr. VR.Shanmuganathan,
Special Government Pleader
[for R1 to R5]
Mr.J.S.Doliya, [for R6]

* * * * *

O R D E R

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

The petitioner claims to be the Ex-President of Anjugiraramam Town Panchayat, Kanyakumari District and also the Ex-president of Nanjil Nadu Puthanar Mettukkal Puravu Vaikkal Neerinai Payanpaduthuvor Sangam, K.K.M.-37, at Vattakottai junction, Kanyakumari district.

2. The petitioner would submit that in Anjugramam village, there exists "Prathaneri" water body in Survey No.778 and the first respondent, vide proceedings, dated 30.06.2020, in Na.Ka.No.90/Gkr/2019, in terms of power conferred under Rule 12(2-A) of the Tamil Nadu Minor Mineral Rules, 1959, had accorded permission to the sixth respondent to deepen the said water body and take 22,770 sq.mtrs sand by paying statutory levy etc., for the purpose of utilising the same for laying the four lane road from Tamil Nadu/Kerala border to Villukuri from 43 to 70.250 km of NH 47 (New NH-66) under the NHDP Phase - III.

3. The learned counsel appearing for the petitioner would submit that the said permission has been accorded without taking into consideration the environment and ecology aspects and there are more than 2,500 acres of agricultural fields depending upon the water bodies, like the present one; so that, the agriculturists can carry on their avocation and eke-out their livelihood and if the sixth respondent is allowed to exploit it for commercial purpose, it would definitely sound the death knell to their avocation.

<https://hcservices.ecourts.gov.in/hcservices/> The learned counsel appearing for the petitioner would



further submit that in this regard, a detailed representation, dated 15.06.2020, has been submitted to the respondents 1 to 4 and it would suffice to direct the first respondent to dispose of the said representation in accordance with law as expeditiously as possible.

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5. Mr.VR.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 5 and on instructions, would submit that the first respondent had taken into consideration the reports of the Project Director, District Rural Development Agency, Nagercoil; the Executive Engineer PWD (Division of Water Resources and Irrigation Department), Kothaiyaru Division, Nagercoil; the Assistant Director (Agriculture), Nagercoil; the Assistant Director, The Department of Geology and Mining, Nagercoil; and the Tahsildar, Agateeshwaram Taluk and accordingly, granted such a permission and it is also exempted from the environmental clearance, in terms of the Ministry of Environment and Forests and Climate Change in S.O.1224/E dated 28.03.2020 and since the sixth respondent being the well known organisation and always having the responsibility and the apprehension expressed by the petitioner is only unfounded and prays for dismissal of the Writ Petition.

6. Mr.Jayesh Doliya, learned counsel, accepts notice on behalf of the sixth respondent and would submit that the company is one of the world renowned organisations in executing such a kind of work and would always behave with responsibility and it would strictly adhere to the conditions of the permission/licence granted by the first respondent, dated 30.06.2020 and the sixth respondent would also take into consideration the environment and ecology aspects also and prays for dismissal of this Writ Petition.

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

8. In the light of the limited prayer sought for by the petitioner and without going into the merit or otherwise of the representation or merits of the writ petition, this Court directs the first respondent to consider and dispose of the representation, dated 15.06.2020, after putting on notice the sixth respondent and pass appropriate orders in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the sixth respondent.

9. The Writ Petition stands disposed of, accordingly. After sixth respondent commences his operation pursuant to the permission/licence accorded by the first respondent, dated



30.06.2020, the third respondent shall cause periodical and surprise inspection and file a status report before this Court with supporting documents and list the matter in first week of December 2020, for reporting compliance. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
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Kanyakumari District.
2. The Director,
The Directorate of Geology and Mining,
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The Department of Geology and Mining,
The District Collector's Office Campus,
Nagercoil, Knyakumari District.
5. The Tahsildar,
Agateeshwaram Taluk,
Nagercoil,
Kanyakumari District.



Copy to:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

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2. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

(To List the matter on first week of December 2020 for Reporting Compliance)

W.P. (MD) No. 7954 of 2020

and

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KK(06.08.2020) 5P 8C