



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.8554 of 2020

and

W.M.P. (MD) .Nos.7919, 7921 and 7922 of 2020

Dharmaraj

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Geology and Mining,
Collectorate Campus,
Sivagangai,
Sivagangai District.

3.Rajendran

... Respondents

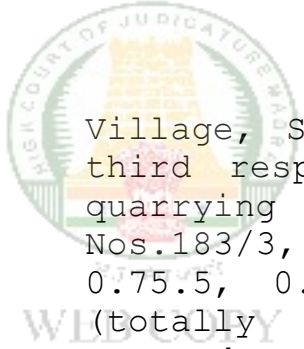
Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No.M2/97/2020, dated 30.05.2020 and quash the same as illegal, consequently forbearing the first respondent from granting lease/licensee of Savudu quarry to anyone in Sivagangai District.

For Petitioner	: Mr.T.Lenin Kumar
For R1 & R2	: Mr.Aayiram K.Selvakumar Additional Government Pleader
For R3	: Mr.Arunswaminathan for Mr.Shoosai Muniyasamy

O R D E R

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

This writ petition is filed as a Public Interest Litigation by the resident of Pacheri, Meenakshipuram, Sivagangai District and he would state that he is eking out his livelihood by doing agricultural operations in his Nanja and Punja lands at Pacheri



Village, Sivagangai District and he would further aver that the third respondent has been granted licence for the purpose of quarrying operation of the land in Laksmipuram Village in Survey Nos.183/3, 186/5, 302/2A, 302/2B, 302/3 and 302/4 admeasuring 0.75.5, 0.57.5, 0.25.5, 0.18.5, 0.27.5 and 0.330 respectively (totally 2.37.5 hectates), vide proceedings of the first respondent, dated 30.05.2020 in Na.Ka.No.2/97/2020.

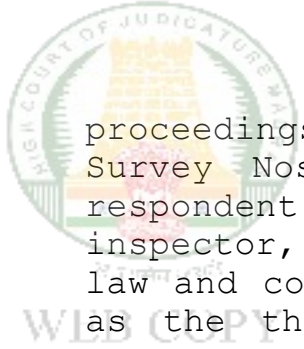
2. The learned counsel appearing for the petitioner would submit that taking advantage of the said permission/licence, the third respondent, had encroached upon the nearby lands in Survey Nos.183/2A, 183/2B and 181/1 and started to doing illegal quarrying operation of the river sand. The petitioner, in this regard, has submitted a representation dated 18.06.2020 to the concerned officials and in spite of receipt of an acknowledgement, no action whatsoever has been taken and therefore, he is constrained to approach this Court by filing this writ petition.

3. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2 and would submit that in the light of the allegations, appropriate instructions would be passed, after putting the third respondent on notice and depending upon the result of the inspection, expeditious action would be taken in accordance with law.

4. Mr.Arun Swaminathan, learned counsel accepts notice on behalf of the third respondent and strongly refused the allegations levelled by the writ petitioner against the third respondent and would submit that, the the petitioner is having some personal enmity against the third respondent and it is not a public interest litigation, but only a private interest litigation, and on instruction, he would submit that he is doing quarrying operation in respect of the agricultural land strictly in accordance with the terms and conditions of the above cited licence granted by the first respondent and prays for dismissal of this writ petition with exemplary cost.

5. This Court has carefully considered the rival submissions and perused the materials placed before this Court.

6. Though the petitioner prays for the larger relief, this Court taking into consideration the above facts and circumstances of the case, and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the second respondent to cause inspection of the lands of the third respondent for which, licence/permission was accorded by the first respondent vide



proceedings dated 30.05.2020 as well as the adjacent lands in Survey Nos.183/2A, 183/2B and 181/1, after putting the third respondent on notice and depending upon the result of the inspector, take appropriate action, strictly in accordance with law and communicate the decision taken, to the petitioner as well as the third respondent. The second respondent is directed to carry out this exercise, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

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,
Sivagangai District,
Sivagangai.

2.The Assistant Director of Geology and Mining,
Collectorate Campus,
Sivagangai,
Sivagangai District.

+1 CC to M/s.GP (SR-13723[F] dated 06/08/2020)

W.P. (MD) .No.8554 of 2020

and

W.M.P. (MD) .Nos.7919, 7921 and 7922 of 2020

04.08.2020

db(CO)

TR(18.08.2020) 3P 4C