



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
and
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.6360 of 2019
and

W.M.P. (MD)Nos.5080 to 5083 of 2019

V.Kannan

... Petitioner

Vs.

- 1.The Director,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.
- 2.The District Collector,
Collector Office, Dindigul.
- 3.The Superintendent of Police,
Dindigul District, Dindigul.
- 4.The District Revenue Officer,
Collector Office, Dindigul District,
Dindigul.
- 5.The Assistant Director,
Department of Geology and Mining,
Dindigul District, Dindigul.
- 6.The Deputy Collector,
Palani, Dindigul District.
- 7.The Tahsildar,
Taluk Office,
Palani Taluk, Dindigul District.
- 8.The Tahsildar,
Taluk Office, Vendasandur Taluk,
Dindigul District.



9.K.Alber Arulraj

10.The Director General of Police,
Chennai.

11.The Commissioner of Police,
Chennai.

12.M.Renganathan

13.K.Subbammal

14.P.Kannaki

(R12 to R14 represented through
Power Agent, T.Rajeshkumar)

15.The Director,
Vigilance and Anti-Corruption
Department, Chennai.

... Respondents

(R10 and R11 were *suo motu* impleaded as per order of this Court,
dated 21.03.2019)

(R12 to R14 were impleaded as per order of this Court, dated
27.03.2019)

(R15 was *suo motu* impleaded as per order of this Court, dated
28.09.2020)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent, in R.C.No.28/2018(Mines), dated 14.06.2018 by permitting the 9th respondent for quarrying of land in S.F.Nos.118/1D, 124A/1A1, and in other properties in Dindigul Districts and quash the same and consequently to direct the official respondents to preserve the water body and illegal quarrying.

For petitioner : Mr.J.Sathiaraj

For R1 to R8, R10,
R11 and R15 : Mr.K.Chellapandian
Additional Advocate General
assisted by A.Muthu Karuppan
Additional Government Pleader

For R9 : Mr.M.Subash Babu

For R12 to R14 : Mr.S.R.Sureshkumar

Advocate Commissioner : Mr.T.Lajapathi Roy

**ORDER****S.S.SUNDAR, J.**

This Writ Petition is filed as *pro bono publico* for issuing a Writ of Certiorari of Mandamus to quash the order passed by the second respondent in R.C.No.28/2018 (Mines), dated 14.06.2018 by permitting the 9th respondent for quarry operation in the land in S.F.Nos.118/1D and 124A/1A1 and in other properties in Melkaraipatti Village, Palani Taluk, Dindigul District. The petitioner is a member of a Society called, Tamil Nadu Anti-Corruption Awareness Society, which is functioning from 2005.

2.The case of the petitioner is that some of the private quarry operators have involved in illegal quarrying in several places using the quarry licence with reference to an extent of 3.34.0 Hectares of land in S.F.Nos.118/1D and 124A/1A1 in Malkaraipatti village under the guise of taking gravel. It is stated that the 9th respondent indulged in illegal sand quarry in several survey fields. Though it is admitted that permission was granted to 9th respondent for quarrying Gravel in S.F.Nos.118/1D and 124A/1A1 in Melkaraipatti Village, it is stated that the quarry permission was granted without any spot inspection and without knowing the physical and geographical location and other particulars, which are required to be noticed before granting licence. It is further alleged that the 9th respondent forged and created duplicate and forged despatch receipts (Trip chits) without serial number and has removed several loads of sand/gravel from several places in other villages causing heavy revenue loss to the the Government. It is also stated that with the connivance of officials, the natural wealth of the State has been exploited by 9th respondent using his economical and political power. It is stated that even the village people do not raise their voice against the 9th respondent, because of life threat. It is in these circumstances, the writ petition came to be filed.

3.The learned Counsel for the petitioner produced before this Court few transport trip chits, which were supposed to be issued by the Assistant Commissioner, Geology and Mining. It is stated that these transport trip sheets have no serial number and it can be presumed that such receipts are fabricated with the clear intention to transport mineral without paying any money to the Government as per licence. The transport permit is in printed form, wherein, the site from which sand is quarried is referred as S.F.Nos.118/1D and 124A/1A1 in Melkarai Patti Village, Palani Taluk. About 12 such sheets have been produced before this Court. These transport permits *prima facie* show that 9th respondent indulged in illegal quarrying under the guise of licence granted in respect of patta lands. The documents produced before this Court are issued in favour of

the 9th respondent. However, he disowns these transport passes and states that he never produced nor used such chits.

4.The learned Counsel for the petitioner also produced before this Court the photographs to show that illegal sand quarrying is going on in several places. To find out the truth, this Court appointed Mr.T.Lajapathi Roy, an Advocate practicing before this Court and a Senior Bar Member, as Advocate Commissioner to visit the land in question and file a report regarding the physical features of the land in question and the other lands, in which illegal/unauthorised quarrying operations are going on.

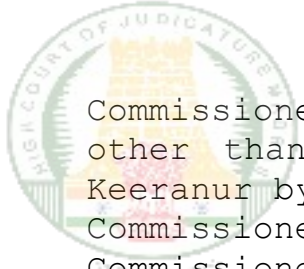
5.After inspection, the Advocate Commissioner has filed a report on 19.03.2019 pointing out that there is no regular mining or quarrying operation in S.F.No.118/1D in Melkaraipatti Village, Palani Taluk and the following aspects pointed out by the the Advocate Commissioner are relevant:

a)There is no mining of gravel in the two licensed survey fields. To the first pit in S.F.No.118/1D (an extent of 1 Hectares), there is no access throughout the field and it is impossible to drive a lorry in that road. The Commissioner also observed that the Tahsildar and the Assistant Director of Mining conceded that there is no way actually available for the site in first Pit and that Vandipathai shown in the Mining Plan is no longer in use.

b)From the records and with the confirmation of Assistant Director of Mining, the Commissioner finds that permit has been issued to transport more than 10,000 cubic meters of gravel (about 1666 of lorry loads).

c)The Commissioner identified fresh tracts of heavy earth movers, like, JCB and suggested that these heavy vehicles had been used only to level the place. In the entire first pit, there are traces of levelling of land using heavy vehicles, like, JCB etc, by removing the shrubs and the Advocate Commissioner came to the conclusion that not a single load of gravel could have been removed from the field, that is the first pit in S.F.No.118/1D.

d)The second field inspected by the Advocate Commissioner is referred to as Pit No.2 in S.F.No.124/1A-1, in Melkaraipatti Village, (in an extent of two Hectares). The second field is located about 10 minutes drive from the first field. Even in the second pit, the Advocate Commissioner could not find any mining of Gravel. The neighbouring land owner appears to have given a statement to the Advocate Commissioner to the effect that Gravel was removed from the



Commissioner also found that the person, who gave statement, is none other than the own brother of Village Administrative Officer of Keeranur by name, Kandhasamy, who was also accompanying the Advocate Commissioner to assist him. Even in the second pit, the Commissioner suggested that some earth work had taken place just to level the entire field. The Commissioner could not see any traces of dirt road from pit No.2 to access the road.

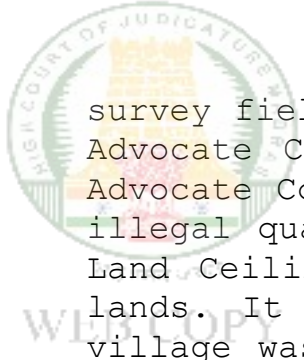
e) Since the petitioner's counsel has given a specific instruction that the actual place of mining was in a place known as Sitharevu Village, which is about 35 km away from the quarrying field in Melkaraipatti Village, the Advocate Commissioner also visited Sitharevu village, which is about 15 km south-west of Palani through Neikaraipatti. This place was identified as a place spreading in an extent of about 100 to 200 acres, just below the Palani Hills or Western Ghats Foot Hills.

f) The Advocate Commissioner also found that large number of kilns are located in the locality and the statement of the Assistant Director of Geology was also recorded. Even according to him, earth or gravel is used for making bricks and that market value of the mineral is between Rs.3,000/- to Rs.4,000/- for one load of four units. This place inspected by the Advocate Commissioner is the actual place, where there is heavy exploitation of minerals, namely, savudu sand by using JCB and other heavy earth movers. It is in this place, the Commissioner has noticed that sand is removed and transported to various places. The Commissioner could find the damaged condition of road due to movements of heavy vehicles.

g) He also confirmed the fact that no mining permission was obtained or granted in Sitharevu Village, after getting information from the revenue officials and officials from the Mining Department. Since the fields in Sitharevu village is located just below the Western Ghats Foot Hills in the Northern side of Palani Hills, the Advocate Commissioner observed after confirmation from locals that this is a place, where, elephants frequently visit. The Commissioner has stated that large scale mining in this place by digging huge pits is a potential danger to humans and wild animals. Apart from what has been noted by the Advocate Commissioner, the Advocate Commissioner has made several other observations to ensure credibility of his report.

h) The Advocate Commissioner opined that access road leading to the mining pits, in respect of which permission was granted to the 9th respondent, is fictitious. The Advocate Commissioner found rampant and indiscriminate mining of earth in Sitharevu Village at North-South hill in Palani Taluk. The Advocate Commissioner has also

<https://hccourtorg.in/cases>



survey fields, in which the illegal quarrying has been found by the Advocate Commissioner. The additional information gathered by the Advocate Commissioner is that many of the survey numbers, in which, illegal quarry was found, are lands declared as surplus land under Land Ceiling Act. Some of the fields were also reported as patta lands. It was ascertained that no mining permission in Sitharevu village was granted and hence, the illegal sand mining in hundreds of acres is confirmed and it is executed by individuals with the connivance of revenue officials. Approximately, the Advocate Commissioner assessed the quantum of illegal quarrying of savudu sand from the lands in Sitharevu village is more than 10,000 cubic meters.

i) The 9th respondent was found to have paid seigniorage fee Rs.3,33,135/- for exploiting around 10,000 cubic meters of gravel from his patta land. Since there was no quarrying on lands of the 9th respondent, it is presumed by the Advocate Commissioner that savudu soil removed from the Sitharevu village is not less than 10,095 cubic meters and that the value of the sand will be between Rs.75,00,000/- (seventy five lakhs) and Rs.1,00,00,000/- (one crore). Apart from the monetary loss, the Advocate Commissioner has also noted that the indiscriminate quarrying would permanently damage the eco system.

6. Considering the nature of report of the Advocate Commissioner, this Court directed the official respondents to give police protection to the petitioner. For this purpose, the Director General of Police and the Commissioner of Police, Chennai were *suo motu* impleaded as respondents 10 and 11 in the writ petition. Thereafter, this Court directed the Advocate Commissioner to assess the volume of minerals illegally quarried and lifted in Sitharevu Village with the assistance of Mr.Y.Srinivasan, Head of Department and Professor (Geo-Technology), Manonmaniam Sundaranar University, Tirunelveli and revenue officials.

7. In the meanwhile, taking note of the fact that this Court convinced that there was a failure on the part of the officials and there is also connivance of the officials with the illegal mining operators, this Court passed the following order:

"14. In the above circumstances, this Court passes the following order:

(a) The official respondents shall give the names of District wise details of prohibited areas where mining of sand, savudu, blue metal or mining is totally prohibited.

(b) The official respondents are directed to make inspection and find out in how many prohibited places, illegal sand/savudu/blue metal/jelly are being done and



file report giving District wise details.

(c) The private respondent/mining operator shall pay a sum of Rs.2,00,000/- (Rupees two lakhs only) to Mr.T.Lajapathi Roy, Advocate Commissioner, within one week from the date of receipt of a copy of this order

(d) How many officials have been booked under the provisions of Goondas Act so far?

(e) What is the designation of those officials against whom Goondas Act has been invoked for their connivance with illegal miners?

(f) What are all the provisions invoked against illegal mining and transporting of illegal mining while FIR is registered?

(g) How much amount has been slapped on the illegal miners regarding mining for the past 10 years? (year wise details to be given)

(h) Whether the levied fine/cost of minerals has been recovered so far? (Give year wise details)"

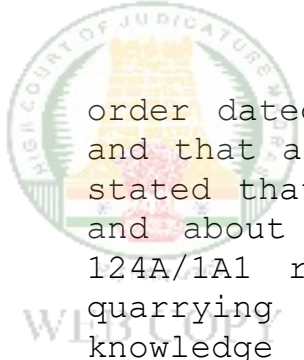
8.The Advocate Commissioner once again inspected the lands in question and submitted a report on 24.04.2019. In the second report, the illegal quarrying at Sitharevu village has been assessed by the Advocate Commissioner on the basis of the expert's report. It is stated that about 17,713 cubic metre of sand in Sitharevu village is removed, equivalent to 3000 lorry loads (approximately). The Advocate Commissioner further suggested that the entire area have become dry as several bore wells, which were dug upto a depth of 1000 feet do not supply water and stopping of sand mining in the area may help the farmers and animals. The Advocate Commissioner further gave the following recommendations:

"i)Sitharevu, Kaalpatti and Periyammappatti Villages should be included in list of villages under the HACA (Hill Area Conservative Act) notification and as Eco-sensitive zones.

ii)Mining of sand should be prohibited in and around Sitharevu, Kavalpatti and Periammapatti villages including Pachayar river or odai originating in western ghats.

iii)The surplus lands declared under the Land Ceiling Act in Palani taluk should be redistributed to landless persons in a transparent process and a direction may be issued to the Principal Secretary, Department of Revenue Administration."

9.The 9th respondent filed objection to the Commissioner's report and counter affidavit. In the counter affidavit filed by the 9th respondent, he has stated that he stopped quarrying in his own

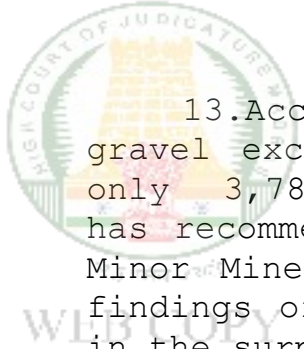


order dated 14.06.2018. The permission was granted upto 05.12.2018 and that after 05.12.2018, he has not taken any gravel. He further stated that he has removed sand in an extent of 3059 cubic meters and about 10183.1 cubic meter in five pits in S.Nos.118/1D and 124A/1A1 respectively. It is his definite case that he stopped quarrying operation on 05.12.2018 and that he does not have any knowledge about the excavation or illegal mining in Sitharevu village. He also objected to the Advocate Commissioner's report, where, there was mentioning of illegal quarrying by 9th respondent.

10. In the course of hearing, it is brought to the notice of this Court that as per G.O.Ms.No.49, dated 24.03.2009, the Government of Tamil Nadu has passed an order that in respect of villages in Hill Taluks, wherever, reserve forest lands are available next to private patta lands, several activities are prohibited. Mining activities in those lands can be permitted, only after getting clearance from the Hill Area Conservative Authority (HACA). Though mining activity is one of the activities, which requires clearance from HACA, the village known as Sitharevu Village is not specified as a Village falling within hill area.

11. However, the notification issued by the Ministry of Environment and Forests, dated 13.11.2013 is brought to the notice of this Court, wherein, it is stated that mining, quarrying, sand mining are prohibited within the distance of 10 km from the ecological sensitive area, which includes Tiger and Elephant corridors, under Section 5 of Environment(Protection), Act, 1986. The notification, dated 13.11.2013 has been issued to preserve the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity.

12. Apart from objection of the 9th respondent to the Commissioner's report, a detailed objection was also submitted by the Special Deputy Tahsildar, Geology and Mining Dindigul and Assistant Director, Geology and Mining, Dindigul. Briefly, the objections are to the effect that the findings of the Advocate Commissioner that there was no quarrying in S.No.118/1D and 121A/1A1 and others in Melkaraipatti Village, Palani Taluk, is false, as 13,322 cubic meter of gravel have been excavated in the western side of the quarry site. It is also stated that transport permission has been issued for 10,095 cubic meter of gravel and that the gravel had been excavated from the safety distance area in excess. It is also stated that a Committee constituted by the District Collector has found that gravel had been quarried in excess from the licensed site and that therefore, the Committee has recommended for taking proper action against the licence holder under Rule 36-A Tamil Nadu Minor Minerals Concession Rule, 1959.



13. According to the official respondents, the quarrying of gravel excavated from the quarrying site at Sitharevu Village is only 3,787 sq.mr., and that the Taluk level Task Force Committee has recommended for taking penal action under Rule 36-A Tamil Nadu Minor Minerals Concession Rule, 1959. It is also objected to the findings of the Advocate Commissioner that there is illegal mining in the surplus land belonging to the Government.

14. From the Advocate Commissioner's report and the objection to the said report and the photographs produced before this Court, this Court has already expressed its conclusion in the earlier order that indiscriminate illegal quarrying had taken place in large scale in Sitharevu Village. This Court *prima facie* accept the report of the expert that more than 17,000 cubic meter of savadu sand had been illegally removed from the survey fields adjacent to Western Ghats in Sitharevu Village, Palani Taluk. Though this area is not notified as hill area under the Hill Area Conservation Act, the illegal quarrying will certainly affect the eco system. Even the official respondents have admitted that huge quantity of savadu sand had been removed from the Government land. This Court, by order dated 20.03.2019, has stated as follows:

7. The photographs produced by the petitioner himself would show that great amount of illegal quarrying has been done by the persons without any licence or permission. The fact that though no permission was granted to any one to quarry in different sites in contravention of Section 4 (1A) and violation of provisions attracts 21 of the Mines and Minerals (Development and Regulation) Act, 1957, this Court find that officials are also negligent in taking action. As a matter of fact, the record produced before this Court would show that the transportation of quarrying materials has been permitted till 15.03.2019 as evident from the statistics produced before the Court by the fifth respondent herein. However, it is also found that a representation has been sent by the petitioner in the month of February, 2019 to the Director of Geology and Mining and the District Collector, Dindigul apart from various statutory authorities including the Assistant Director of Geology and Mining, Dindigul. Absolutely, no action was taken though the petitioner has given details about the illegal quarrying by private persons.

8. This Court is also conscious of the fact that the Village Administrative Officers are entrusted to note the illegal quarrying of sand and stone quarrying within their jurisdiction. The Village Administrative Officer of Sitharevu Village is expected to report it to the Firka Revenue Inspector who in turn is supposed to report it to



the Deputy Tahsildar and Tahsildar who in turn report to the District Collector. Even though the revenue officials like, Village Administrative Officer, Firka Revenue Inspector, Deputy Tahsildar, Tahsildar concerned are supposed to report to the Collector and the Collector also has failed in his duty to take any action despite repeated written representations received from the petitioner in this Writ Petition.

9. From the above, it is clear that there is a deliberate failure and negligence on the part of the officials in connivance with the mining operators illegally and help them to loot the natural wealth of our country without any permission. It is not only a loss of revenue to the Government but also a theft of our natural wealth that too under the foothills of Western Ghats which is a prohibited area. We are facing a lot of problems because of destruction of our natural wealth. The officials as well as the quarry operators who have done illegal mining have committed offence punishable under Sections 120 B and 379 of IPC and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957. This Court finds that the Government machinery has colluded with the illegal mining operators and thereby allowed the natural wealth to be looted. Therefore, action is required to be taken not only against the looters but also against the Government Officials who have colluded with the looters.

10. A Division Bench of this Court in H.C.P.No.188 of 2018 [Vediyammal v. The State of Tamil Nadu and another] has passed the following order:

"15. In conclusion, we direct the Principal Secretary to Government, Home (Police) Department, Fort St. George, Chennai - 9, the Director General of Police, Mylapore, Chennai - 4 and the Director, Vigilance and Anti-Corruption Department, Greenways Road, Chennai - 28, to issue consolidated circulars/instructions to all the law enforcing authorities, including the police stations and other revenue officials across the State, clearly stating that the public servants, who all are abating the commission of the offence of sand smugglings will be punished under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum-grabbers and Video Pirates Act, 1982. Such consolidated instructions/circulars should contain the following: These public officials are liable to face both the



departmental disciplinary proceedings as well as the penal provisions under the provisions of Tamil Nadu Act 14 of 1982. Such instructions/circulars are directed to be issued within a period of twelve weeks from the date of receipt of a copy of this order.

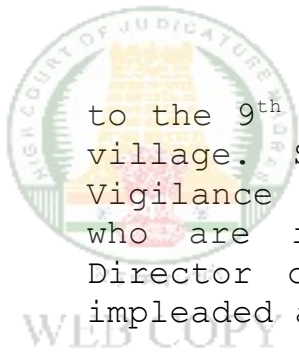
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11. From the above, it is clear that the Court has directed to issue circulars stating that the provisions of Goondas Act would be invoked against the officials also. Even though the order has been passed as early as on 08.05.2018 and consequent G.O.Ms.No.62, Home, Prohibition and Excise Department, dated 01.10.2018, has been issued, it is not known whether Goondas Act has been invoked against the officials.

12. Prima facie we are convinced that there was a failure on the part of the officials and there is also connivance of the officials with the illegal mining operators and departmental action has to be taken against the officials and the same should be reported in the next hearing.

13. The officials concerned should be directed to deposit at least a sum of Rs.75,00,000/- (Rupees Seventy five lakhs only) for allowing the 9th respondent to carry on illegal mining in the unapproved area in Sitharevu Village.

15. As pointed out earlier, despite this Court has raised certain queries and directed the official respondents to respond, the official respondents have not filed any counter meeting the points to the satisfaction of this Court. It is the duty of the Village Administrative Officer to report any damage caused to the public property. Illegal quarrying has to be reported immediately by the Village Administrative Officer as per V.A.O. Manual which specifically refers to prevention of illegal mining and illegal transportation of minerals. It is not in dispute that there was illegal quarry in large scale. Without the knowledge of revenue officials and officials of Mining Department, it is not possible for anyone to transport minerals in large scale. Similarly, the fact that the transport permits have been issued with the official seal of Assistant Director of Mining is not in dispute. The original Transport permits, which are 12 in number and produced before this Court, contains the official seal of Geology and Mining Department. While the land owner stated that there was no quarrying operation after December'2018, the transport permits with the holograph is a solid evidence of illegal quarrying and transportation of minerals after December 2018, taking advantage of the quarry licence granted



to the 9th respondent in respect of his patta land in Mellkaraipatti village. Since this Court is inclined issue direction to the Vigilance and Anti-Corruption Department, to enquire the officials, who are involved in illegal quarry in Sitharevu village, the Director of Vigilance and Anti-Corruption, Chennai, is *suo motu* impleaded as 15th respondent in this Writ Petition.

16.The Advocate Commissioner has given the report suggesting that no quarry operation is found in the fields, for which the 9th respondent got licence. 9th respondent in his counter stated that he transported gravel from the licensed fields around 10,075 cubic meters of sand and the official respondents, after making an inspection recently have come with a figure that 9th respondent had removed more than 13,300 cubic meter even though he paid seigniorage fee only for about 10,075 cubic meters of gravel. This figure is given by official respondents based on measurement taking note of the depth noticed in few places. The allegation in the present case is that the 9th respondent has indulged in quarrying sand in various lands, other than his patta land for which, license was granted. The fact that indiscriminate and rampant mining of earth in Sitharevu village and the forged transport pass/permit will indicate that the license given to 9th respondent has been misused either by 9th respondent or others to indulge in illegal mining in Government and other private lands. It is admitted that atleast lands in S.No.150/56 and 150/70 are Government lands acquired under Land Reforms Act. Though the respondents denied illegal mining in Government lands, the Commissioner's report is to the effect that illegal mining is also found in S.Nos.150/56 and 150/70. We accept the Commissioner's report. No objection is filed by official respondents for the Commissioner's report. The Commissioner is an Officer of Court and field was inspected by Commissioner in the presence and guidance of Survey department. Since the officials have not taken any action preventing illegal mining, the officials have denied mining in Government lands. From the photographs produced, the illegal mining in Sitharevu village is in large scale. Whether it is in private land or in Government land, the Government is deprived of its legitimate income and the loss to Government based on scientific measurement is around one crore. The illegal mining is with the connivance of officials, who are expected to protect the interest of Government. The officials themselves have decided to take action against the 9th respondent under Rule 36(1) of Tamil Nadu Minor Mineral Concession Rules 1959, for illegal mining beyond the quantity for which he obtained transport permits.

17.Having regard to the facts narrated and the conclusion reached by this Court on the over all assessment of facts and materials, this Court is inclined to dispose of the Writ Petition

<https://hccs.courts.gov.in/cases> giving directions:



1)The quarry licence granted in favour of the 9th respondent by order dated 14.06.2018 is quashed and no further licence shall be granted in favour of the 9th respondent either for his patta land or for any other land in view of the admitted position that the 9th respondent has indulged in illegal mining, even in his land as per the report of the official respondents. Only if the 9th respondent come out with clean, pursuant to the criminal complaint or recovery proceedings for violation of Tamil Nadu Minor Mineral Concession Rules 1959, the official respondents can consider him eligible for granting mining lease either in his private patta land or in Government land.

2)The respondents 1 and 2 are directed to take suitable action to stop/prevent illegal sand mining in any part of the District, particularly, in Sitharevu village.

3)The first respondent along with second respondent shall conduct a preliminary enquiry to ascertain the period during which the illegal sand mining had taken place and initiate disciplinary proceedings against every officials, who failed to prevent illegal mining in Sitharevu village or in any other part of District.

4)The official respondents shall ensure initiation of proceedings for illegal sand mining both in Melkaraipatti and in Sitharevu village, against 9th respondent or anyone. The forged transport passes produced before this Court shall be returned to the District Collector by the Registry after getting acknowledgement and after taking xerox copies. The forged transport permits used for illegal transportation of sand shall be taken as emanated from 9th respondent for lodging FIR and criminal prosecution shall be lodged against every individual who is found involved including officials.

5)The third respondent after lodging of criminal complaint by the concerned official, may direct investigation by CBCID or by an Officer not below the rank of Deputy Superintendent of Police. Apart from criminal prosecution, the competent authority shall take action against private persons for recovery of loss caused to the Government and ensure every one who has indulged in illegal mining is made liable.

6)The petitioner shall cooperate with official respondents and the official respondents shall ensure all such proceedings initiated against private individuals and officials are properly pursued till its logical end without any delay.

7)If any land in Sitharevu village vest with Government by acquiring as surplus lands under Tamil Nadu Land Reforms Act 1961, the competent assigning authority shall invite application for assignment of surplus land and ensure assignment of land to eligible landless poor at the earliest after following the procedure prescribed under Tamil Nadu Land Reforms (Disposal of surplus Lands) Rules 1965.



8)The District Collector shall submit a report to this Court within six months and this Court may issue further direction, if necessary.

9)In cases of theft or illegal mining of minor minerals (sand or gravel), if it is not reported, the concerned Village Administrative Officers and his immediate superiors shall be held responsible and the respondents 1 and 2 shall ensure initiation of disciplinary proceedings against every officials for dereliction of duty.

10)The 10th respondent shall give police protection to the petitioner, whenever such request is made in future, if he apprehends any threat to his life or property by persons, who have indulged in illegal mining.

18.This order shall not stand in the way of District Collectors to permit regular quarry operations in Government water bodies which are required for the purpose of increasing the storage capacity of the water bodies or for any other activities which is required for preserving water in every water bodies.

19.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Director,

Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.

2.The District Collector,

Collector Office, Dindigul.

3.The Superintendent of Police,

Dindigul District, Dindigul.

4.The District Revenue Officer,

Collector Office, Dindigul District, Dindigul.



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8.The Tahsildar,
Taluk Office, Vendasandur Taluk,
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9.The Director General of Police,
Chennai.

10.The Commissioner of Police, Chennai.

11.The Director,
Vigilance and Anti-Corruption
Department, Chennai.

12. The Village Administrative Officer,
Melkaraipatti Village,
Palani Taluk, Dindigul District.

13. The Village Administrative Officer,
Sitharevu Village, Dindigul District.

Copy to

1. The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer, E.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M. SUBASH BABU, Advocate SR-18336[F] dated 29/09/2020

Order made in
W.P. (MD) No. 6360 of 2019
28.09.2020

SE (CO)
TR(18.11.2020) 15P 17C