



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) .No.26683 of 2019

and

W.M.P. (MD) No.23008 of 2019

R.N.Palanichamy

... Petitioner

Vs.

- 1) The State of Tamil Nadu,
Rep. by its Secretary,
Industries Department,
Fort St.George,
Chennai - 600 009
- 2) The Director,
Geology and Mining Department,
Chennai.
- 3) The District Collector,
Karur District, Karur.
- 4) The Assistant Director,
Geology and Mining Department.
Karur.
- 5) P.Senthilvel

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd and 4th respondents to initiate appropriate action against the 5th respondent for his illegal mining operation in S.F.Nos.1190/1, 2, 1191, 1192/2, 1196, 1189/1, 1189/2, 1189/3, 1201 situated at Pethiyakattuthottam, Pullagoundanpalayam, C.Cudalur West, Chinnadharapuram, Aravakurichi Taluk, Karur District for expiry of the lease agreement period dated 24.3.2007, consequently direct the 3rd and 4th respondents not to give permission for running illegal stone quarry operation to the 5th respondent without hearing objection of the petitioner.

For Petitioner : Mr.S.Gokul Raj

For RR 1 to 4 : Mrs.J.Padmavathi Devi,
Special Government Pleader



O R D E R

The Writ Petition has been filed seeking a direction to the 3rd and 4th respondents to initiate appropriate action against the 5th respondent for his illegal mining operation for expiry of the lease agreement period dated 24.3.2007 and consequently direct the 3rd and 4th respondents not to give permission for running illegal stone quarry operation to the 5th respondent without hearing objection of the petitioner.

2. Mrs.J.Padmavathi Devi, Special Government Pleader upon instructions states that a status report was called for and the fourth respondent had filed the status report dated 24.01.2020. In the status report, it has been mentioned that the father of the fifth respondent was originally granted with roughstone quarry lease, which expired as early as on 24.03.2007. After that, it appears that the fifth respondent had applied for quarrying lease for S.F.Nos.1190/1 and 1191 over an extent of 1.51.0 hectares of patta lands in Gudalur Village, Aravakurichi Taluk, Karur District.

3. An application was processed based on the recommendations of the Revenue Divisional Officer, Karur and Deputy Director, Geology and Mining, that precise area to the applied field has been communicated on 05.09.2019 with special conditions. The applicant/fifth respondent had also applied for Environmental clearance to the lease applied area and it is pending before the State Level Environmental Impact Assessment Authority (SEIAA).

4. The report of the fourth respondent further states that the lease application is made by the fifth respondent and there will not be any disturbance to the farm house of the petitioner, even if the quarry license is granted to the fifth respondent. It is also mentioned in the status report that no illegal quarrying has been done in the field as mentioned by the petitioner.

5. It is further stated by the learned counsel for the petitioner that the status report submitted by the fourth respondent has been filed without conducting any enquiry with the petitioner in this regard.

6. Be that as it may, as the petitioner is aggrieved of the lease being granted to the fifth respondent which would affect the habitation around the applied field, the petitioner may be called for an enquiry before taking any decision of granting the quarry lease to the fifth respondent. If any lease is granted to the fifth respondent without conducting an enquiry, the same may be challenged by the petitioner. It is made very clear that without prior notice to the petitioner, no decision will be taken in this regard.



7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.23008 of 2019 is closed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1) The Secretary,
Industries Department,
Fort St.George, Chennai - 600 009
- 2) The Director,
Geology and Mining Department,
Chennai.
- 3) The District Collector,
Karur District, Karur.
- 4) The Assistant Director,
Geology and Mining Department.
Karur.

+1 CC to Mr.S.GOKULRAJ, Advocate (SR-2967[F] dated 24/01/2020)

Order made in

W.P. (MD) .No.26683 of 2019

24.01.2020

VB(11.02.2020) 3P 6C