



WEB COPY

W.P.(MD) No.19101 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.19101 of 2017

and

W.M.P. (MD)Nos.15479 to 15481 of 2017

(Through Video conferencing)

A.Subburam

...Petitioner

-Vs-

1.State of Tamil Nadu

Rep. By Principal Secretary

Department of Industries (geology and mining)

State of Tamil Nadu

Chennai.

2.The District Collector

Office of the District Collector

Virudhunagar District.

3.The Assistant Director of Mines

Department of Geology and Mining

District Collectorate

Virudhunagar District.

4.The Executive Engineer

Public Works Department

Vaippar Basin Division

Virudhunagar.

5.The Revenue Divisional Officer

Office of the Revenue Divisional Officer

Aruppukottai Revenue Sub Division

Virudhunagar District.

6.The Tahsildar

Aruppukottai Taluk

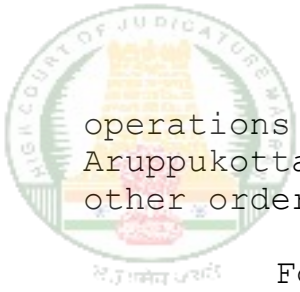
Virudhunagar District.

7.R.Arokia Paulraj

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, call for the records connected with the impugned quarry lease license in Na.Ka.Kevi No.1/7390/2016 dated 27.09.2017 issued by the respondent No.2 and quash the same as illegal, consequently to direct the Respondent Nos 1 to 6 for not issue any license for the quarrying

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operations in survey No.51/4 situated as Aladipatti Village, Aruppukottai Taluk, Virudhunagar District and pass such further or other orders.

For Petitioner : Mr.R.Rajamohan
For Respondents : Mr.Aayiram K.Selvakumar,
Addl. Govt. Pleader for R1 to R6
Mr.H.Arumugam for R7

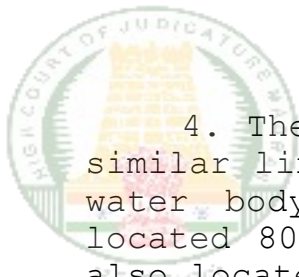
ORDER

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

This writ petition is styled as a Public Interest Litigation and the petitioner, claims to be a public interest litigant, makes a challenge to the proceedings of the second respondent dated 27.09.2017 in Na.Ka.Kevi No.1/7390/2016 , in and by which, licence/permission was granted to the 7th respondent to do sand quarrying in Patta Survey No.51/4, situate at Aruppukottai Taluk, Aladipatti, admeasuring to an extent of 1.33.0 hectares, for a period of five years.

2. The primordial grievance expressed by the petitioner is that the said quarry is in very close proximity to Survey No.51/4 and that apart, a temple viz., Aiyyanar temple is located just 150 meters from the quarrying site and there are other residential houses and in the event of continuing of the quarrying operation, there exists a continuous hardship, difficulty and nuisance to the nearby residents and there is every chance of the water body may also get amalgamated and in this regard, a representation was also submitted on 11.09.2019, 15.09.2017 and 21.09.2017 respectively and despite receipt and acknowledgment, nothing has been forwarded and hence, came forward to file this writ petition.

3. This writ petition was listed for hearing on 16.07.2020 and taking into consideration the facts pleaded, this Court directed the respondents 3 and 4 to cause surprise inspection and file a status report. Accordingly, the third respondent has filed a status report and after extracting the conditions of licence/permission granted by the second respondent in his proceedings dated 27.09.2017, made a factual submission that as per the mining plan duly approved on 02.05.2017, the lessee viz., the 7th respondent is entitled to quarry upto 34 meters and the measurement of the pit revealed that he had quarried upto 16 meters so far and that apart, he was also accorded permission to quarry and remove 114660 cu.m. of rough stone and 36350 cu.m. of gravel over for a period of five years from 04.10.2017 and 03.10.2022 and the surprise inspection revealed that there are no violation of the conditions of licence/permission granted and undertakes to conduct regular as well as surprise inspection.



4. The status report of the second respondent also proceeds on similar line and insofar as the alleged location of quarry near the water body is concerned, it is stated that Aladipatti tank is located 80 meters away from the quarry site and the cart track is also located 200 meters from the quarry site and the power line also passes on the northern side, 240 meters from the quarry site and the temple is located at a distance of 390 meters and the quarry is located not within the prohibited distance.

5. In the light of the status reports, this Court is of the view that the apprehension expressed by the petitioner have been answered and therefore, no further orders are necessary in this writ petition. Therefore, this writ petition is closed. However, the concerned official respondents shall cause regular as well as surprise inspection as to the compliance of the terms and conditions of the licence/permission granted to 7th respondent by the second respondent vide his proceedings dated 27.09.2017 in Na.Ka.Kevi No.1/7390/2016. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (Reocrds)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

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.

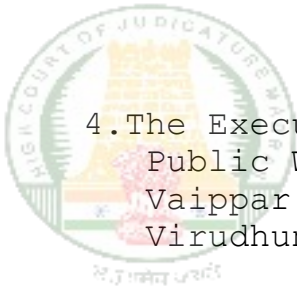
To

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Department of Industries (geology and mining)
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6.The Tahsildar
Aruppukottai Taluk
Virudhunagar District.

+1 CC to M/s.R. RAJAMOHAN, Advocate (SR-13777[F] dated 07/08/2020)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-13855[F] dated 07/08/2020)

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KB(19.08.2020) 4P 9C