



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3509 of 2020

Kanniyakumari

... Petitioner

Vs.

1. The District Collector,
Villupuram,
Villupuram Collectorate,
PIN-605 602
2. The Assistant Director, Department of Mines & Geology,
Villupuram District,
Collectorate Office,
Villupuram - 605 602
3. The District Collector,
Kallakuruchi District,
PIN-606 202
4. The Revenue Divisional Officer,
Thirukovilur,
Kallakuruchi District - 605 757
5. The Tasildhar,
Ulundurpettai Taluka Office,
Kallakuruchi District - 606 107
6. The Forest Range Officer,
Ulundurpettai,
Kallakuruchi District - 606 107
7. The Village Administrative Officer,
Tirupair Village,
Ulundurpet Taluka,
Kallakuruchi District - 606 305
8. The Superintendent of Police,
Kallakuruchi District - 606 202
9. Nagarajan

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent No.1 to Respondent No.8 to take action for cancelling the quarry licence granted to the Respondent No.9 at S.F No.312/1 (0.345) & S.F.No.312/2 (1.02.0) [Total extent of 1.36.5 Hectare] at Thirupair village for violating the conditions imposed prior to the issuance licence to quarrying of rough stones and earth and for damaging the environment including the petitioner's agricultural land situated at S.F No.312/3, 312/4 and 312/5 and consequently take disciplinary action against the Respondent No.5 and Respondent No.7 who failed to monitor quarrying activity as per G.O.Ms.No.135 dated 13.11.2009 of Industries (MMA.1) Department.

For Petitioner : Mr.A.Selvaraj

For Respondent R1 to R5 : M/s.Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the Respondent No.1 to Respondent No.8 to take action for cancelling the quarry licence granted to the Respondent No.9 at S.F No.312/1 (0.345) & S.F.No.312/2 (1.02.0) [Total extent of 1.36.5 Hectare] at Thirupair village for violating the conditions imposed prior to the issuance licence to quarrying of rough stones and earth and for damaging the environment including the petitioner's agricultural land situated at S.F No.312/3, 312/4 and 312/5 and consequently take disciplinary action against the Respondent No.5 and Respondent No.7 who failed to monitor quarrying activity as per G.O.Ms.No.135 dated 13.11.2019 of Industries (MMA.1) Department.

2. The learned counsel appearing for the petitioner submits that the 9th respondent has been engaged in illegal mining of rough stones at SF No.312/1, 312/2 and its adjoining poromboke lands for last 10 months and there is no safety distance maintained in the quarry as prescribed by the 1st respondent's order. Besides this, the quarry is also not maintaining safety distance of 50 metres from the nearby reservoir. Even after detailed complaints to the respondents 1 and 2, there is no action to stop illegal operation of the quarry of the 9th respondent at Thirupair village. Therefore, the Writ Petition was filed by the petitioner for cancelling the quarry licence granted in favour of the 9th respondent.

3. Heard the submissions made by the learned Additional



Government Pleader.

4. Based on the direction issued by the Division Bench of this Court in W.P.No.16965 of 2020 dated 21.09.2021, the quarry lease granted to the 9th respondent has been suspended by the District Collector, Kallakurichi dated 25.10.2021 and the FIR has also been registered against the 9th respondent for the offence under Section 379 of IPC and subsequently, a private complaint also filed by the Revenue Divisional Officer, Thirukoilur before the District Special Court, Viluppuram against the 9th respondent for indulging in the illegal quarrying. Further, the competent court has also imposed penalty for a sum of Rs.4,22,20,640/-. In view of the above records, nothing survives for adjudication. Hence, the Writ Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
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Villupuram - 605 602
3. The District Collector,
Kallakuruchi District,
PIN-606 202
4. The Revenue Divisional Officer,
Thirukovilur,
Kallakuruchi District - 605 757
5. The Tasildhar,
Ulundurpettai Taluka Office,
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6. The Forest Range Officer,
Ulundurpettai,
Kallakuruchi District - 606 107

7. The Village Administrative Officer,
Tirupair Village,
Ulundurpet Taluka,
Kallakuruchi District - 606 305

8. The Superintendent of Police,
Kallakuruchi District - 606 202

+1cc to Mr.R.Ganesh kumar, Advocate, S.R.No.60806

+1cc to the Government Pleader, S.R.No.60665

W.P.No.3509 of 2020

SRA(CO)
CT 05/01/2022