

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 03.03.2021  
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4931 of 2021  
and  
WMP Nos.5515 and 5516 of 2021

1.M.S.Padmanaban  
2. C. Munusamy

... Petitioners

Vs

1. The Secretary to Government,  
Government of Tamil Nadu,  
Environment and Forests Department,  
Fort. St. George,  
Chennai - 600 009.

2. The District Collector,  
Chengalpattu District,  
Chengalpattu.

3. The Regional Development Officer,  
Madhurantakam,  
Chengalpattu district.

4. The Tahsildar,  
Madhurantakam,  
Chengalpattu District.

5. The Assistant Director,  
Geology and Mining,  
Kanchipuram District.

6. The District Engineer,  
District Pollution Control Board,  
Maraimalai Nagar,  
Chengalpattu District.

7. B.Saraswathy.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the second respondent to consider the representation submitted by the 1st petitioner and others on 11.02.2019 and 17.05.2019

respectively and forbear the respondents from granting stone quarry licence to the 7th respondent in S.No.346/3 in 169 Murugambakkam Village, Madhuranthagam Taluk, Chengalpattu District.

|                 |                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------|
| For petitioner  | ... Mr.M.Gnanasekar                                                                                                        |
| For Respondents | ... Mr.Akhil Akbar Ali,<br>Govt. Advocate for R2, R3 & R5<br>Mr.V.Shanmuga Sundar<br>Spl. Govt. Pleader for R1, R4<br>& R6 |

ORDER

Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the respondents 1, 2 and 6 and Mr.Akhil Akbar Ali, learned Government Advocate accepts notice for the respondents 2, 3 and 5.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to consider the representations submitted by the 1st petitioner and others on 11.02.2019 and 17.05.2019 respectively and requesting the 3rd respondent not to grant stone quarry licence to the 7th respondent in S.No.346/3 in 169 Murugambakkam Village, Madhuranthagam Taluk, Chengalpattu District.

4. The case of the petitioners is that the petitioners are the owners of the agricultural lands adjoining the lands where the 7th respondent is seeking for stone quarry licence from the 3rd respondent. According to petitioners, if the said licence is granted they and other agriculturists in the said area will be affected. In such circumstances, the 1st petitioner has given representations on 11.02.2019 and 17.05.2019 to the 3rd respondent requesting him not to grant stone quarry licence to the 7th respondent. Since, the said representations have not been considered, the petitioners have approached this Court under Article 226 of the Constitution of India.

5. Heard Mr.M.Gnansekar, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for respondents 1, 4 and 6 and Mr.Akhil Akbar Ali, learned Government Advocate appearing for respondents 2, 3 and 5. Since no adverse orders are passed against the 7th respondent, notice to 7th respondent is dispensed with by this Court.

6. Mr.Akhil Akbar Ali, learned Government Advocate appearing for respondents 2, 3 and 5 on instructions, would submit that the enquiry proceedings on the 7th respondent's application seeking for stone quarry licence has already commenced and only after hearing petitioners, who are having grievance with regard to the grant of stone quarry licence to the 7th respondent, final orders will be passed by the 3rd respondent.

7. After recording the submission made by the learned Government Advocate appearing for respondents 1, 4 and 6, this Court directs the 3rd respondent to consider the petitioners' representations dated 11.02.2019 and 17.05.2019 requesting the 3rd respondent not to grant stone quarry licence to the 7th respondent in S.No.346/3 in 169 Murugambakkam Village, Madhuranthagam Taluk, Chengalpattu District and pass final orders on merits and in accordance with law, on the 7th respondent's application seeking for grant of stone quarry licence for the aforementioned property after affording fair hearing to the petitioners as well as the 7th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Government,  
Government of Tamil Nadu,  
Environment and Forests Department,  
Fort. St. George,  
Chennai - 600 009.

2. The District Collector,  
Chengalpattu District,  
Chengalpattu.

3. The Regional Development Officer,  
Madhurantakam,  
Chengalpattu district.

4. The Tahsildar,  
Madhurantakam,  
Chengalpattu District.

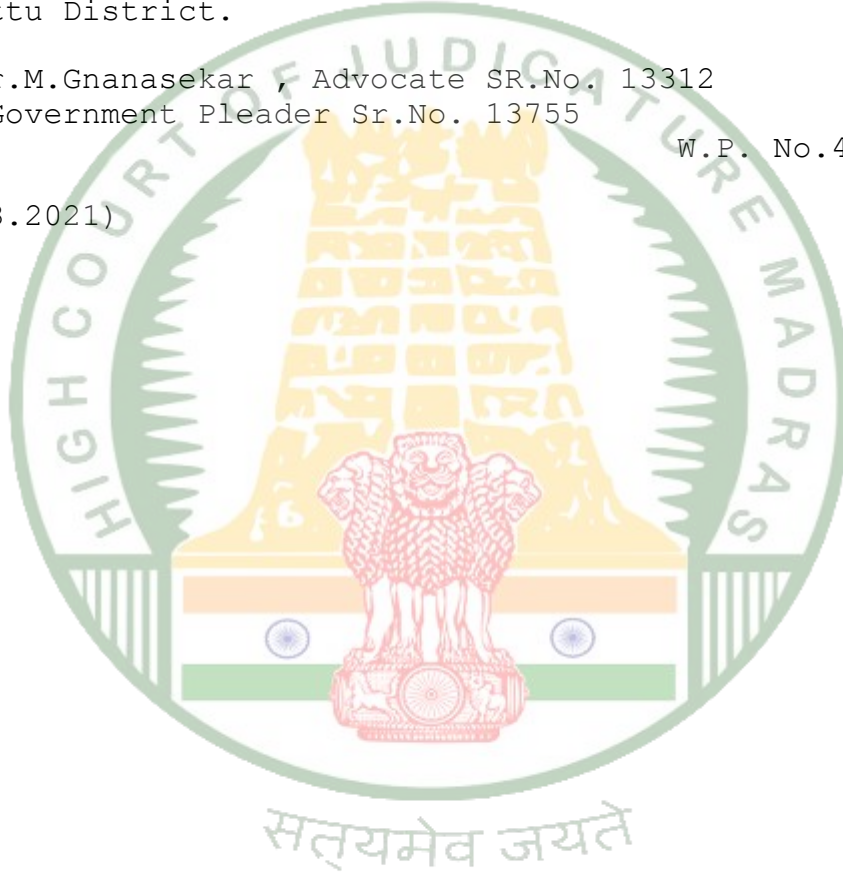
5. The Assistant Director,  
Geology and Mining,  
Kanchipuram District.

6. The District Engineer,  
District Pollution Control Board,  
Maraimalai Nagar,  
Chengalpattu District.

+1cc to Mr.M.Gnanasekar , Advocate SR.No. 13312  
+1 cc to Government Pleader Sr.No. 13755

W.P. No.4931 of 2021

sky co  
A.SK(23.03.2021)



WEB COPY