



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.P.No.30143 of 2012
and M.P.No.1 of 2012

K.Eswaran

...Petitioner

Versus

1.The District Collector,
Tirupur,
Tirupur District.

2.The Assistant Director,
Geology and Mining,
O/o. The District Collector office,
Tirupur.

3.The District Revenue Officer,
Tirupur,
Tirupur District.

4.R.Ravi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to take appropriate action against the fourth respondent from carrying on illegal quarrying activities in S.F.No.125/1, Agrahara Periyapalayam Village, Tirupur District.

For Petitioner : *** Mr.M.Guruprasad**

For Respondents - 1 to 3 : Mr.G.Krishnaraja, GA

Respondent - 4 : Mr.K.Sundar

O R D E R

Heard both sides and perused the materials placed before this Court.



2. The relief sought for by the petitioner in the present writ petition is to direct the first respondent to take appropriate action against the fourth respondent who is carrying on quarrying activities in S.F.No.125/1, Agrahara Periyapalayam Village, Tirupur District.

3. It is the case of the petitioner that adjacent to his agricultural lands, the fourth respondent is carrying on the stone quarrying activities by using high powered explosives, due to which, the petitioner's agricultural lands are affected. Therefore, he made a representation dated 29.05.2012 to the first respondent in this regard. Finding no response on the said representation, the petitioner has filed the present writ petition for the relief stated supra.

4. Upon notice, the first respondent filed a detailed counter affidavit, wherein in paragraph No.10, it is specifically stated as follows:

"10. The respondent lessee has entered valid agreement with licensed explosives dealer (dealer license No.E/SC/TN/22/66 (E10217) dated 28.12.2011) for handling the explosives in his quarry vide agreement dated 06.06.2012. The explosives are handled with proper supervision of licensed blaster (Licence No.E/SC/TN/SO/442 (E22987) dated 01.11.2012 without making any room for disturbance for the common public from any quarters. In this regard no complaints have been received so far from the common public. Hence, the petitioner has filed false information before the Court by concealed the facts. Hence, the contention made by the petitioner is deserves no consideration and liable to be dismissed as devoid of merits. It is also submitted that the subject quarry lease is granted after obtaining technical opinion and land availability opinion from the official concerned and also opinion from the local body and Town and Country planning department. The Revenue Department has also published A1 notice and no one has registered objection for grant of quarry lease to the fourth respondent. By accepting the recommendations of the allied departments the subject stone quarry lease was granted to the lessee and the lessee is continuing the quarry operation with valid permission. Further, the subject quarry is old and having depth and hence the scattering effect of the quarry dust and rock fragments from the bottom is very meager. The contention of the petition is baseless and technically not acceptable one."



5. In the light of the averments so made in the counter affidavit filed by the first respondent, this Court finds no merits in the present writ petition. Hence, this writ petition is liable to be dismissed and is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)
dt 22/07/2021

***Corrected as per letter
dated 28/07/2021**

**s/d-
Assistant Registrar(CS-III)
dated 11/08/2021**

True Copy

Sub-Assistant Registrar

mrr

To

1.The District Collector,
Tirupur,
Tirupur District.

2.The Assistant Director,
Geology and Mining,
O/o. The District Collector office,
Tirupur.

3.The District Revenue Officer,
Tirupur,
Tirupur District.

**To be substituted to the
order already despatched
on 22/07/2021**

+1 CC to Mr.M. Guruprasad, Advocate sr 30323.

W.P.No.30143 of 2012

SKY(CO)
SP(22/07/2021)
HS(12/08/2021)