

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10237 of 2021

R.Johnrobert Rufusgandhi ... Petitioner

-vs-

- 1.The Secretary to Government,
Industries (Mines and Minerals) Department,
Fort St. George, Chennai-9.
 - 2.The Secretary to Government,
Department of Environment and Pollution Control,
Fort St. George, Chennai-9.
 - 3.The District Collector,
Krishnagiri District.
 - 4.The Chairman,
Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600 032.
 - 5.D.Mathiazhagan
 - 6.K.M.Vijaya
 - 7.A.M.Shivani
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondent 1-4 to take suitable action against the illegal mining and cancel the licence granted in favour of the respondents 5-7 in S.F.No.78/1B and 78/1A (part), 78/1B (part).

For Petitioner

: Mr.R.Dhineshkumar

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that the private respondents herein have resorted to illegal mining after obtaining a licence.

2. The petitioner says that despite representations to the respondent authorities, there has been no response.

3. Mining licenses are issued in accordance with the law and the procedure in place in such regard. Rules and norms need to be adhered to while issuing a mining licence and the licence indicates a particular area which the licensee cannot exceed. In such regard, the licensing authorities ought to keep a close vigil to ensure that the territory or area covered by the licence is not exceeded by the licensee.

4. Since the petitioner's grievance in the present case is that the private respondents have resorted to illegal mining, the third respondent District Collector will consider the matter. The petitioner is permitted to make a detailed representation regarding the perceived illegalities committed by the private respondents. Such representation should be reached to the District Collector within four weeks from date, whereupon the District Collector will consider the matter in appropriate perspective and communicate a reasoned decision to the petitioner within six weeks of the receipt of the representation upon affording a reasonable opportunity of hearing to all who may get affected by his order.

5. The writ petition is disposed of at the admission stage without notice to the private respondents since no prejudice would be occasioned to them by this order as the private respondents have been given an opportunity to be heard by the Collector before the Collector makes any adverse order.

6. W.P.No.10237 of 2021 is disposed of along with W.M.P.No.10841 of 2021. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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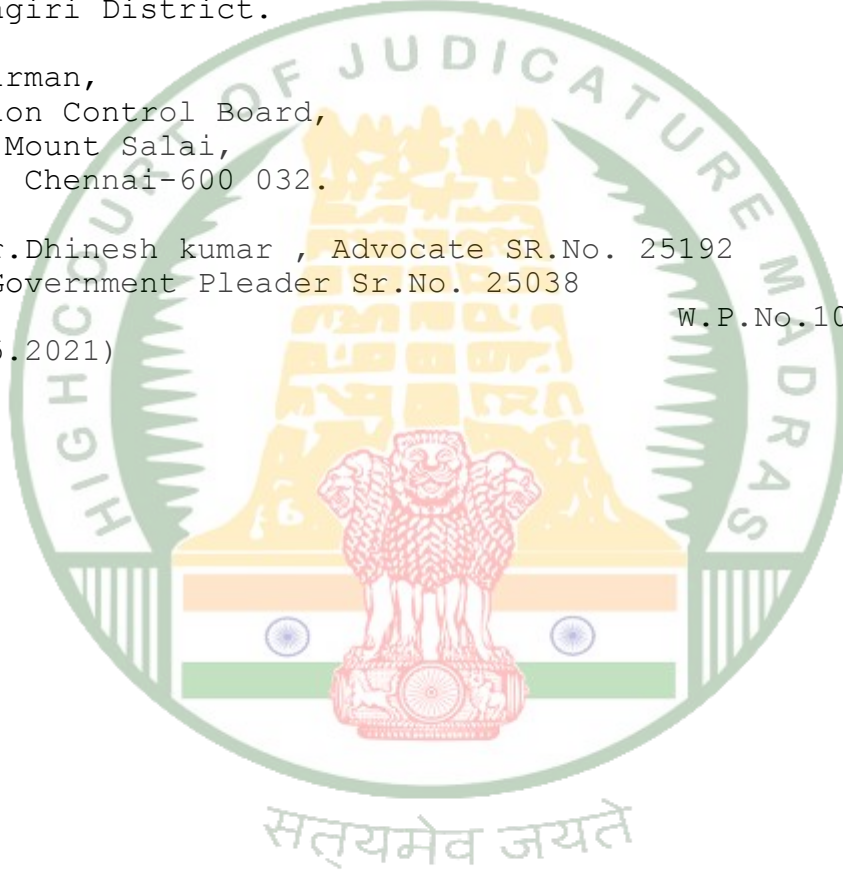
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+1cc to Mr.Dhinesh kumar , Advocate SR.No. 25192

+1 cc to Government Pleader Sr.No. 25038

W.P.No.10237 of 2021

A.SK(18.05.2021)



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