



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition Nos. 11407, 11409, 11410, 11413, 11415, 11418,
11432, 11435, 11449, 11472, 11509, 11536, 11546, 11557 of 2021

S K T CHAMBER BRICKS
REP. BY ITS PROPRIETOR
MR. R. SARAVANAKUMAR
S.F. NO.247/1 & 250/1
DOOR NO.6/62, NORTH STREET
22, NANJUNDAPURAM
THADAGAM, COIMBATORE - 641 108

... PETITIONER in WP No.11407 OF 2021

RKT BRICKS
REP. BY ITS PROPRIETRIX MRS.D.REVATHI

... PETITIONER in WP No.11409 of 2021

CSB CHAMBER BRICKS
REP BY ITS PROPRIETRIX MRS.S.CHANDRA PRABHHA

... PETITIONER in WP No.11410 of 2021

KMB CHAMBER BRICKS
REP BY ITS PROPRIETOR MR. A. SELVARAJ

... PETITIONER in WP No.11413 of 2021

SAT CHAMBER BRICKS
REP BY ITS PROPRIETOR MR.M.PONNUSAMY

... PETITIONER in WP No.11415 of 2021

TRN CHAMBER BRICKS
REP BY ITS PROPRIETOR MR. N.RAJENDRAN

... PETITIONER in WP No.11418 of 2021

CHANDRU CHAMBER BRICKS
REP BY ITS PROPRIETRIX MRS.RUKUMANI

... PETITIONER in WP No.11432 of 2021

T M S CHAMBER BRICKS
REP. BY ITS PROPRIETOR MR.T S SHANTHOSH PRASAD
@ SHANTHOSH KUMAR

... PETITIONER in WP No.11435 of 2021



MYIL CHAMBER BRICKS

REP BY ITS PROPRIETOR MR.M.SURESH KUMAR

... PETITIONER in WP No.11449 of 2021

POWER BRICKS

REP BY ITS PROPRIETOR MR.R.KRISHNASAMY

... PETITIONER in WP No.11472 of 2021

M P S BRICKS

REP. BY ITS PROPRIETRIX MR. R MAHESHWARAN

... PETITIONER in WP No.11509 of 2021

REAL BRICKS

REP. BY ITS PARTNER MR.S.SRINIVASAN

... PETITIONER in WP No.11536 of 2021

S B CHAMBER BRICKS

REP BY ITS PROPRIETOR MR.M.SARAVANAN

... PETITIONER in WP No.11546 of 2021

N T R CHAMBERS BRICKS

REP BY ITS PROPRIETOR M.NATARAJAN

... PETITIONER in WP No.11557 of 2021

Versus

1.The District Collector
Coimbatore District
Coimbatore - 641 018

2.The Assistant Director
Department of Geology & Mining
Coimbatore - 641 018

3.The District Environmental Engineer
Tamil Nadu Pollution Control Board
Coimbatore North, Coimbatore

4.The Tahsildar
Coimbatore North Taluk
Coimbatore

5.The Executive Engineer (Distribution)
TANGEDCO, K. Vadamadurai
Coimbatore District

.. Respondents in all the W.Ps



WP No.11407 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No. 2 to 4 in connection with the notice for closure of the Bricklin Chamber Unit as SF No. 247/1 and 250/1, Veerapandi Pudur, Chinnathadagam, Coimbatore - 641 108, of the petitioner dated 19.03.2021 and quash the same.

WP No.11409 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in connection with the notice for closure of the Bricklin Chamber unit at SF.No.342/2A3 and D.No.4/48, Ramanathapuram, 22, Nanjundapuram, Coimbatore- 641108, of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.

WP No.11410 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit at SF.No.447-A/3, Anaikatti Main Road, Thanneerpandal, Chinnathadagam, Coimbatore- 641108 of the Petitioner dated 19.3.2021 and quash the same

WP No.11413 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit at SF.No.580/1, Anaikatti Main Road, Chinnathadagam, Thadagam Post, Coimbatore 641 108 of the petitioer dated 19./03/2021 and quash the same.

WP No.11415 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit-I and II at SF.No.439A / 1A1 and 439 A /2B1, Chinnathadagam, Coimbatore- 641108 of the Petitioner dated 19.3.2021 and quash the same

WP No.11418 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit at



SF.No.172/1B,173/1A, 49/4 and 12/1, Brindavan Garden Near Yes Turn, Chinnathadagam Coimbatore 641108 of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.

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WP No.11432 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit at SF.No. 58/1A, Nanjundapuam Thadagam post, Coimbatore- 641108 of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.

WP No.11435 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in connection with the notice for closure of the Bricklin Chamber unit at Unit I and II at SF.No.618/1A1, 1A2, 619/2A1, 2A2 6/1 and 5/1, Chinnathadagam, Coimbatore- 641108, of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.

WP No.11449 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the Notice for Closure of the Brickin Chamber Unit- 1 and II at SF. No 498/2, 513/1a, 513/1c, 514-A/2A, 514A/2c and 514-A/2E, Anuvavi Koil Pirivu, Chinnathadagam Coimbatore- 641108 of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.

WP No.11472 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in Connection with the notice for closure of the Bricklin Chamber unit at SF.No.249/ 1 B and 249/1C, Veerapandiputhur, Veerapandi, Chinnathadagam, Coimbatore 641 108, of the petitioner dated 19/03/2021 and quash the same.

WP No.11509 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in connection with the notice for closure of the Bricklin Chamber unit at SF.No.381/1B and 383/1B. Door No. 6/280, Thaliyur, Pannimadai, Coimbatore- 641017 of the Petitioner dated 19.3.2021 and quash the same and grant such other further relief.



WP No.11536 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondents No.2 to 4 in connection with the notice for Closure of the Bricklin Chamber Unit at S.F No.70/ 3 A and 70/3B, Veerapandi Main Road, No.24, Veerapandi, Coimbatore 641 012, of the petitioner dated 19/03/2021 and quash the same.

WP No.11546 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondents No.2 to 4 dated 19.03.2021 in connection with the notice for closure of the Bricklin Chamber unit at S F No.529/ 2, Anuvavi Koil Street, Periyathadagam Road, Chinnathadagam Post, Coimbatore- 641 108, of the Petitioner dated 19/03/2021 and quash the same.

WP No.11557 of 2021:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the notice of the Respondent No 2 to 4 in dated 19.3.2021 Connection with the notice for closure of the Bricklin Chamber unit at SF.No.214/2A and 215/1A Veerapandi, Pudur village, Thadagam via, Chinnathadagam, Coimbatore 641 108, of the petitioner dated 19/03/2021 and quash the same.

For Petitioner : Mr. M. Jayachandran
in all the Writ Petitions

For Respondents : Mr. G. Krishna Raja
1,2 & 4 Government Counsel
in all the Writ Petitions

COMMON ORDER

In all these writ petitions, the challenge is to the notices issued by the respondent 2 to 4 calling upon the petitioners to vacate the brick klin chamber run by them with immediate effect on the ground that the petitioners are running such brick klin chamber without any licence or permission from the authorities concerned.

2. All these writ petitions have been filed on the ground that except the District Collector, the other respondents are not vested with the power to pass such orders. It is their contention that it is only the District Collector, who is competent to pass any such order after following the mandatory procedures contemplated under the Mines and Minerals



(Development and Regulation) Act, 1957 and the Tamil Nadu Minor Mineral Concession Rules, 1959. It is also the contention of the petitioners that the survey numbers of the lands, where the brick-klins have been erected by the petitioners, have not been brought within the purview of the Elephant Corridor. Therefore, it is vehemently contended that the impugned notices have been issued without any authority of law and therefore, they are liable to be set aside.

3. The learned counsel appearing for the petitioners brought to the notice of this Court that identical writ petitions have been filed before this Court and by a common order dated 30.04.2021 passed in WP Nos. 9606 of 2021 etc., batch this Court passed the following order:-

"22. For the foregoing reasons, without delving much upon the merits and demerits of the other submissions of the learned counsel on either side, excepting incorporating the same hereinabove, this Court is of the opinion that the impugned orders need interference by this Court. Accordingly, the impugned orders are set aside and the District Collector, Coimbatore, who is the competent authority under the statute, shall pass appropriate orders with respect to all these petitioners after affording an opportunity of hearing within a period of four weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector. No separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is made clear that no further extension of time would be granted to the District Collector to complete the above exercise of passing the appropriate orders qua these petitioners. The District Collector, Coimbatore, shall proceed with the further process based on the web copy of this order, without waiting for the certified copy.

23. It is open to the respondents to take any action against the brick klins, including the petitioners, if it is found that the same has been operated without any license/clearance in the manner known to law. This order would not preclude the authorities in exercising their powers in accordance with law. It is also made clear that the owners of the brick klins can run the show, if they possess a valid licence and other documents to do so.



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24. These writ petitions are ordered to the extent indicated above. However, there shall be no order as to costs. Consequently, WMPN os. 11653 and 11786 of 2021 are dismissed and the other connected writ miscellaneous petitions are closed.

25. Post these writ petitions on 07.06.2021 'for reporting compliance.'

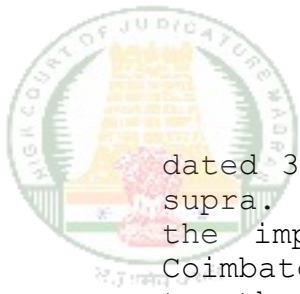
4. Subsequently, when the aforesaid WP Nos. 9606 of 2021 etc., batch were posted under the caption "for reporting compliance, on 29.06.2021, the following order has been passed:-

"Today, when the matters were taken up, the learned Advocate General appearing for the respondents submitted that as per the order of this Court dated 30.04.2021, compliance report was filed on 28.06.2021, wherein, it is inter alia stated that a total number of 177 brick klin units located in Veerapandi, Chinnathadagam, Somayampalayam, Nanjundapuram and Pannimadai Village, Coimbatore North Taluk, Coimbatore District have been closed by the first respondent as they were not in possession of valid registration certificates and permit for quarrying brick earth from patta lands as required under Rule 19 (2) of Tamil Nadu Minor Mineral Concession Rules, 1959. He further submitted that the respondent authorities would monitor and take proper action periodically to curb the illegal quarrying.

2. In view of the above, no further order is required to be passed in this batch of Writ Petitions, except recording the aforesaid submission made by the learned Advocate General and the compliance report dated 27.06.2021 filed on the side of the respondents. Accordingly, the same are placed on record."

5. Now, the learned counsel for the petitioners submitted that the same order may be passed in these writ petitions as well inasmuch as notices have not been issued by the District Collector, Coimbatore, but by the Tahsildar, who is legally incompetent to issue any such notice, as has been held by this Court.

6. Heard the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondents. The issue involved in these writ petitions is no longer res integra and it is covered by the earlier order dated



dated 30.04.2021 passed in WP Nos. 9606 of 2021 etc., mentioned supra. Therefore, in the light of the order dated 30.04.2021, the impugned notices are set aside. The District Collector, Coimbatore is directed to pass appropriate orders with respect to the claim of these petitioners after affording them an opportunity of hearing within a period of six weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector and no separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is also open to the respondents to take any action against the brick kilns, including the petitioners, if it is found that the same has been operated without any license/clearance in the manner known to law. This order would not preclude the authorities in exercising their powers in accordance with law. It is also made clear that the owners of the brick kilns can run the show, if they possess a valid licence and other documents to do so.

7. Accordingly, all the writ petitions are disposed of. No costs. Consequently, all the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Coimbatore District,
Coimbatore - 641 018.
- 2.The Assistant Director,
Department of Geology & Mining,
Coimbatore - 641 018.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore North, Coimbatore.



4.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

5.The Executive Engineer (Distribution),
TANGEDCO, K. Vadamadurai,
Coimbatore District.

+14ccs to M/s.V.Jayachandran, Advocate Sr No.42726

+1cc to Government Pleader Sr No.42275 to 42288

WP No. 11407 of 2021

SJ (CO)
PR (27/09/2021)