



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2021

Coram

The Honourable Mr. Justice R.MAHADEVAN

W.P.No.13898 of 2021
and W.M.P.No.14775 of 2021

V.Jagannathan

...Petitioner

Versus

- 1.The Principal Secretary,
Government of Tamil Nadu,
Mines and Minerals Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector,
Collectorate Buildings,
Salem.
- 3.The Tahsildar,
Salem South Taluk,
Salem.
- 4.The Assistant Director of Geology and Mining,
Salem.
- 5.The Superintending Engineer,
Public Works Department,
(Water resource organization)
Salem.
- 6.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem.

7.Devarayan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 23.04.2021 to initiate necessary action against the seventh respondent for illegally running brick chamber in violation of Tamil Nadu Minor Mineral Concession Rules, 1959, situated in S.F.No.301/1 to an extent of 0.88 Acres of land situated at Inam Pairoji Agraharam Village, Veerapandi via,



Salem South Taluk, Salem District within the time stipulated by this Court.

For Petitioner : Mr.N.Umapathi

For Respondents 1 to 6 : Mr.G.Krishnaraja,
Government Advocate

O R D E R

Mr.G.Krishnaraja, learned Government Advocate takes notice for the respondents 1 to 6. With the consent of both sides, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that he owns land in S.F.Nos.301/1 and 301/5 measuring to an extent of 1.25 acres situated at Inam Pairoji Agraharam Village, Veerapandi via., Salem South Taluk, Salem District by virtue of sale deed dated 19.09.2005 and the remaining extent of 0.88 cents of land in S.F.No.301/1 was purchased by the father of the seventh respondent. After purchase, the seventh respondent and his family members illegally commenced the brick manufacturing operations, without obtaining any approval from the competent authorities, due to which, dust emission and dry ashes flying on the air have been spread all over the petitioner's agricultural land and thereby, the crops are withered. Further, they encroached Sorian Malai Odai poramboke belonging to the fifth respondent by excavating soil and transporting the same to their land for the purpose of brick manufacturing operations. As a result of the same, the entire water irrigated to the petitioner's land has depleted and that, the crops could not be cultivated. Therefore, the petitioner made a representation dated 23.04.2021 to the respondents 2 to 6 requesting to take action against the seventh respondent. Finding no response on the same, he has come up with this writ petition.

3.The learned counsel for the petitioner submitted that without obtaining necessary permission from the authorities concerned, the seventh respondent is carrying on the brick manufacturing operations and excavating soil, which is violative of the provisions of law. Though the petitioner sent representation dated 23.04.2021 requesting to take action against the seventh respondent, no steps have been taken by the respondent authorities. Hence, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

4.On the other hand, the learned Government Advocate taking notice for the respondents 1 to 6 fairly submitted that the



respondent authorities would consider the representation of the petitioner and pass orders, on merits, within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 23.04.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the seventh respondent, within a period of six weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Principal Secretary,
Government of Tamil Nadu,
Mines and Minerals Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
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Salem.
3. The Tahsildar,
Salem South Taluk,
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4. The Assistant Director of Geology and Mining,
Salem.
5. The Superintending Engineer,
Public Works Department,
(Water resource organization)
Salem.



6.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Salem.

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+1cc to Mr.N.Umapathi, Advocate, S.R.No.31508

W.P.No.13898 of 2021

PMK (CO)
CB (17/09/2021)