



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14091 of 2021

O.Udayakumar

.. Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Department of Industries,
St. George Fort, Chennai 600 009.
2. Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
St. George Fort, Chennai 600 009.
3. The District Collector,
Chengalpattu District,
Chengalpattu 603 001.
4. The Revenue Divisional Officer,
Tambaram Revenue District,
Tambaram, Chennai 600 045.
5. The Director,
Directorate of Mines Safety,
Government of India, Old No.46,
New No.5, 2nd Street, Block "AA",
Anna Nagar, Chennai 600 040.
6. The Tamil Nadu Pollution Control
Board, Rep. by its Chairman,
No.76, Anna Salai, Guindy,
Chennai 600 032.
7. M/s.Narayana Mines,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to consider the representations of the



petitioner including the representation dated 07.04.2021 and to take necessary legal measures to cancel license of the 7th respondent to conduct quarry operation at quarry site situated at Survey Nos.204/1A, 204/2, 204/3, 205/1 and 205/2 of Thiruneermalai Town Panchayat, Pallavaram Taluk, Chengalpattu District, Tamil Nadu and close down the same.

For Petitioner : Mr.R.Prasadh

For Respondents : Mr.P.Muthukumar

Counsel for State, for RR 1 to 4

* * * * *

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner seeks cancellation of the licence granted to the seventh respondent for undertaking quarrying activities at specific survey numbers of Thiruneermalai Town Panchayat, Pallavaram Taluk, Chengalpattu District. The petitioner asserts that the quarrying activities that are being undertaken by the seventh respondent at the aforesaid survey numbers are in complete violation of applicable rules and, in particular, Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. It is further asserted that the seventh respondent is not contributing necessary funds in terms of Rule 13 of the Tamil Nadu Mineral Foundation Rules, 2017. In spite of carrying multiple representations to the third respondent herein, it is stated that no action has been taken to revoke the licence granted to the seventh respondent.

2. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 and states that the third respondent would consider and dispose of the representation of the petitioner within a reasonable time-frame.

3. The official respondents are duty bound to ensure that quarrying activity is undertaken strictly in compliance with the terms and conditions of such licence with regard to the quantity of quarrying undertaken and also with regard to the geographical limits of such licence.

4. It is likely that the seventh respondent may deny all or some of the allegations in this affidavit if such seventh respondent is put on notice. Consequently, subject to the observations made above but without going into the merits of the petitioner's representation, the third respondent District Collector is directed to consider the representation dated 09.10.2019 of the petitioner and dispose of the same by a speaking order after providing reasonable opportunity of hearing both to the petitioner and to the seventh respondent. On



account of the fact that the District Collector has been directed to hear the seventh respondent before passing orders, the writ petition is being disposed of without notice to the seventh respondent.

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5. W.P.No.14091 of 2021 is disposed of in these terms without any order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Secretary to Government of Tamil Nadu,
Department of Industries,
St. George Fort, Chennai 600 009.
2. The Secretary to Government of Tamil Nadu,
Environment and Forest Department,
St. George Fort, Chennai 600 009.
3. The District Collector,
Chengalpattu District,
Chengalpattu 603 001.
4. The Revenue Divisional Officer,
Tambaram Revenue District,
Tambaram, Chennai 600 045.
5. The Director,
Directorate of Mines Safety,
Government of India, Old No.46,
New No.5, 2nd Street, Block "AA",
Anna Nagar, Chennai 600 040.
6. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai 600 032.

+1CC to Mr.T.L.Thirumalaisamy, Advocate, Sr.No.32317

+1CC to Government Pleader, Sr.No.32029

+1CC to R.Prabhavathy, Advocate, Sr.No.31889

W.P.No.14091 of 2021

K.RK. (15.07.2021)