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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM:

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.14141 OF 2018

M.Vasudevan,
Proprietor, Vasu Blue Metals,
Eluppai Kinaru, Vellakovil,
Tiruppur District.

... Petitioner

.Vs.

The Project Director,
National Highways Authority of India
Door No.9/9A, 4th Cross Street,
Kothari Layout, (Opp. Stock Exchange),
Trichy Road, Singanallur P.O.
Coimbatore - 641 005.

... Respondent

COMMON PRAYER:-

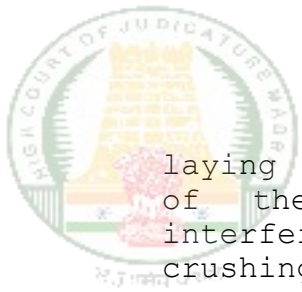
Writ Petitions filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to forthwith consider and pass orders on the representation of the petitioner, dated 19.04.2018, in accordance to law with respect to objecting the laying of six lane roads and requesting for project realignment of the proposed Karur-Coimbatore six-lane road by not interfering with the petitioner's Stone quarry and stone crushing unit business.

For Petitioner : M/S.P.Saravana Sowmiyan

For Respondent : Mr.Su.Srinivasan
Senior Central Government
Standing Counsel

ORDER

The Writ Petition has been filed by the petitioner, seeking for mandamus on the respondent to forthwith consider and pass orders on the representation of the petitioner's dated 19.04.2018, in accordance to law with respect to objecting the



laying of six lane roads and requesting for project realignment of the proposed Karur-Coimbatore six-lane road by not interfering with the petitioners' Stone quarry and stone crushing unit business.

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2. Mr.P.Saravana Sowmiyan, the learned counsel appearing for the petitioner submits that the petitioner is running a Rough Stone and Gravel Quarry at Tiruppur District. The District Collector, Tiruppur, by proceedings in Na.Ka.No.221/Mines/2012, dated 05.07.2013, granted mining lease for a period of 5 years. The petitioner is also running a stone crusher unit, after obtaining NOC certificate from Air and Water Consent from the Tamil Nadu Pollution Control Board for both the quarry as well as the crusher unit. The said lease for mining has been granted after duly observing all the procedures and obtaining NOC from the competent Authorities.

2.1 Further, the learned counsel for the petitioner submits that, a proposal has made to lay six-lane road from Karur to Coimbatore. For the said proposal, the officials had visited the petitioner's land and marked the boundaries for acquisition of land to lay six-lane road. If the six-lane road is laid through the petitioner's property, the petitioner have to obviously, lose his business and the workers employed under him would also put to hardship. Therefore, the petitioner has made a representation, dated 19.04.2018 to the respondent, strongly objecting to the laying of roads in the lands and requested for project realignment of the proposed six-lane road without passing through his land in order to maintain the prohibitory distance of 300 meters as contemplated under the Tamil Nadu Minor Mineral Concession Rules, 1959 and 500 metres as stipulated in Tamil Nadu Pollution Control Board's BPMS No.4 dated 02.07.2004 with respect to running of the petitioner's rough stone quarry and stone crushing unit. However, no order has been passed. Hence, the present petition has been filed to pass appropriate order on the representation of the petitioner.

3. Per Contra, Mr.Su.Srinivasan, the learned Senior Central Government Standing counsel for the respondent submits that the apprehension of the petitioner is premature, because, as on date, the respondent-Highways Department have not finalised the project, then, where comes the question of re-alignment of the proposed six lane road. Further, he submitted that, the petitioner has rushed this Court anticipating that his land would be acquired for the purpose of six lane road Karur to Coimbatore project. Merely based on apprehension of the petitioner, the Writ Petition cannot be entertained, and in



fact, no Writ in anticipatory nature would be issued. Therefore, he submitted that the Writ Petition is liable to be dismissed.

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4. However, the learned counsel appearing for the petitioner submits that the respondent have proposed for laying six-lane road, which would cross the petitioner's stone quarry. Therefore, he submits that the grievance of the petitioner can be considered at the point of time when the project of laying the proposed six-lane road, is getting implemented.

5. In reply, the learned Senior Central Government Standing Counsel for the respondent submitted that there are very many objections being raised in the form of representations for the aforesaid project, and the petitioner's representation is one such objections, and the same will be considered along with several other objections and necessary orders would be passed.

6. Heard the learned counsel appearing for the petitioner and the learned Senior Central Government Standing Counsel for the respondent and perused the materials available on record.

7. In view of the submission made by the learned Standing Counsel for the respondent that there are several objections being raised for implementing the project and that the representation made by the petitioner will be considered at the time of considering all other objections, this Court is of the view, no further orders are required to be passed herein and it would be suffice to record the said submission.

8. Thus, recording the aforesaid submission of the learned Senior Central Government Standing Counsel for the respondent-Highways Department, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jd/sd



To

The Project Director,
National Highways Authority of India
Door No.9/9A, 4th Cross Street,
Kothari Layout, (Opp. Stock Exchange),
Trichy Road, Singanallur P.O.
Coimbatore - 641 005.

W.P.NO.14141 OF 2018

MG (CO)
PBS/28/12/2021