



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 21113 of 2021

and

W.M.P. Nos. 22375 & 22376 of 2021

K. Murugasamy

.. Petitioner

Versus

1. The Director
Department of Geology and Mining
Thiru. Vi. Ka. Industrial Estate
Guindy
Chennai - 600 032
2. The District Collector
Tiruppur District
Tiruppur
3. The Revenue Divisional Officer
Tiruppur District
Tiruppur
4. The Tahsildar
Avinashi Taluk
Tiruppur
5. The Block Development Officer
3rd Court Street
Opposite to Indian Bank
Tiruppur - 641 001
6. The Deputy Director of Town and Country Planning
Tiruppur District Town and Country Planning
Kumaran Complex, Kumaran Road,
Tiruppur - 641 001
7. The Executive Officer
Kalipalayam Panchayath
Kalipalayam Vilage
Senapathi Chettypalayam Post
Avinashi Taluk, Tiruppur District - 638 752

8. K. Ramasamy

.. Respondents



with Construction work in S.F. No. 277/2A of Kalipalayam Village, which is situated within 300Mts radius from the Petitioner's stone quarry in S.F. No. 279/1, 279/2 & 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District

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For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.Stalin Abhimanyu
Government Counsel for R1-R7

O R D E R

The relief sought in this writ petition is to issue a mandamus directing the respondents 1 to 7 to prevent the 8th respondent from continuing with the construction work in S.F.No.277/2A of Kalipalayam Village, which is situated within 300Mts radius from the Petitioner's stone quarry in S.F.No.279/1, 279/2 and 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District.

2. It is the case of the petitioner that he and his wife are the absolute owners of the lands comprised in S.F. Nos. 279/1, 279/2 and 279/3 situated at Kalipalayam Village, Avinashi Taluk, Tiruppur District. He carried on quarrying operation in the said lands, after getting necessary permission from the second respondent for a period of 5 years, commencing from 28.02.2008 to 27.02.2013. Thereafter, the petitioner submitted an application for grant of quarry lease on 01.03.2018 before the second respondent in respect of the said lands. On receipt of the same, the respondents 4 and 5 along with other officials inspected the quarry site and submitted a report to the second respondent. Subsequently, as directed by the second respondent, the petitioner obtained Mining Plan from the Deputy Director of Geology & Mining on 19.07.2018 and EC on 06.08.2020 from SIEAA. Upon compliance of the necessary requirements, he was granted mining lease to quarry minerals for a period of 5 years. Pursuant to the same, the petitioner and the second respondent entered into a joint lease agreement as provided under Rules 19(1), 20 & 33 of the TNMMC Rules, 1959. After getting the required permission, he is carrying on quarry operations in accordance with law and transporting the same to various destinations from the date of grant of quarry lease by paying seigniorage fee, etc. to the department. While so, the eight respondent commenced the construction work in S.No.277/2A measuring to an extent of 0.30.5 Hec. situated at Kalipalayam Village Avinashi Taluk and Tiruppur District, which is situated very close to and within the prohibited distance of 300 meter radius from the petitioner's quarry in S.Nos.279/1 to 279/3 of Kalipalayam village. According to the petitioner, the eight respondent did not obtain necessary permission from the competent authorities, before starting such construction. Therefore, he submitted a representation dated 05.08.2021 to the respondents 1 to 5 and 7 requesting to prevent / restrain the eight respondent from proceeding with an unauthorised construction in the land in S.No.277/2A. Upon receipt of the same, the seventh respondent by communication dated 06.08.2021



directed the eighth respondent to stop the construction work. Despite the same, the eighth respondent is attempting to continue the construction. Feeling aggrieved, the petitioner has come up with this writ petition for the aforesaid relief.

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3. The learned counsel for the petitioner vehemently contended that the petitioner after following due process of law, is carrying on quarry operations in his lands in S.F.Nos.279/1, 279/2 and 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District, whereas the eighth respondent is constructing an unauthorised building, without getting prior permission from the competent authorities, within 300 meters radius of the petitioner's lands, which is in violation of Rule 36(1-A)(c) of the Tamil Nadu Minor Minerals Concession Rules, 1959 and he is continuing such construction work, despite the communication of the seventh respondent. Therefore, he prayed for appropriate direction to the respondent authorities in this regard.

4. On the other hand, the learned Government Counsel appearing for the respondent authorities fairly submitted that based on the petitioner's representation, the seventh respondent already issued certain directions, which will be strictly followed by the eighth respondent and that, the illegal construction if any, being carried on, the same will be dealt with by the respondent authorities in the manner known to law.

5. In view of the submissions so made by the learned Government Counsel appearing for the respondent authorities, this court is of the opinion that no further orders need be passed in this writ petition, except recording the same. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

dhk

To

1. The Director
Department of Geology and Mining
Thiru. Vi. Ka. Industrial Estate
Guindy, Chennai - 600 032

2. The District Collector
Tiruppur District, Tiruppur

<https://hcservices.ecourts.gov.in/hcservices/>
3. The Revenue Divisional Officer
Tiruppur District, Tiruppur



4. The Tahsildar, Avinashi Taluk
Tiruppur

5. The Block Development Officer
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7. The Executive Officer
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Senapathi Chettypalayam Post
Avinashi Taluk, Tirupur District - 638 752

+1cc to Mr.V.P.Sengottuvel, Advocate SR.No.52340

+1cc to Government Pleader SR.No.53125

WP No. 21113 of 2021

VG II(CO)
GMY(15/11/2021)