



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.29898 of 2019

and

W.M.P.No.29804 of 2019

1.N. Thimmarayappan

.....Petitioner

Vs

1. The Commissioner,
Department of Geology and Mining,
Alandhur Road, Guindy,
Chennai-600 032.

2. The District Collector,
Krishnagiri District,
Krishnagiri.

3. The Assistant Director,
Department of Geology and Mining,
Alandhur road, Guindy,
Chennai.

4. R. Venkatesappa,

5. Teja Blue Metals,
Venkatesapuram Village,
Shoolagiri Taluk,
Krishnagiri District.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent to order closure of the stone quarries in Survey Nos.136/3, 136/5 and 136/4 and 269/Part C lands in Beggli Village, Venkatesapuram Post, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 11.03.2019.

For petitioner : Mr. M.Selvam

For Respondents : Mr. B. Vijay,
Additional Government Pleader
for R1 & R2
: Mr. V. Sanjeevi for R3.



ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus directing the 2nd Respondent to order closure of the stone quarries in Survey Nos.136/3, 136/5 and 136/4 and 269/Part C lands in Beggli Village, Venkatesapuram Post, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 11.03.2019.

2. The case of the petitioner is that he is an agriculturist residing in his ancestral property in Survey Nos.256/3B, 256/3C2, 256/3A, 242/5E, 242/8E and 246/5, Venkatesapuram Post, Hosur Taluk, Krishnagiri District and he has also constructed a new house in the said property. While being so, the Respondents 3 & 4 are running quarries in survey No.136/8 and other lands and during the operation, stones are broken with high explosives causing noise and air pollution which is affecting the livelihood of the petitioner and his family members. Therefore, the petitioner made a representation to the 2nd Respondent with regard to closure of stone quarries on 11.03.2019, however, till date, no action has been taken on the same. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd Respondent to consider the petitioner's representation dated 11.03.2019 and pass orders on the same, within a particular time frame fixed by this Court.

4. The learned Additional Government Pleader for the Respondents submits that there is no stone quarry functioning in the lands mentioned by the petitioner and within a radius of about 500 metres from the petitioner's land no quarry is functioning. Therefore, the claim of the petitioner for closure of stone quarries in Survey Nos.136/3, 136/5, 136/4 & 269/PartC is wholly misconceived and the present Writ Petition may be dismissed.

5. Considering the submission that no stone quarry is functioning in the lands in Survey Nos.256/3B, 256/3C2, 256/3A, 242/5E, 242/8E & 246/5 and the relief sought for is wholly misconceived and no relief could be granted. Hence the prayer sought for by the petitioner cannot be acceded to. Accordingly, this Writ Petition is closed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



NHS

To

1. The Commissioner,
Department of Geology and Mining,
Alandhur Road, Guindy,
Chennai-600 032.

2. The District Collector,
Krishnagiri District,
Krishnagiri.

3. The Assistant Director,
Department of Geology and Mining,
Alandhur road, Guindy,
Chennai.

+lcc to M/s.M.Selvam, Advocate, S.R.No.63647

+lcc to the Government Pleader, S.R.No.64358

W.P.NO.29898 of 2019

and

W.M.P.No.29804 of 2019

RSI (CO)
SB(04/01/2022)