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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 25144 of 2021

and

W.M.P.Nos.26514 and 26515 of 2021

R.Murugesan

...Petitioner

-Vs-

1. The District Collector
Collectorate,
Tirupur Distirct, Tirupur.
2. The Deputy Director,
Mines and Mineral Department,
Collector office, Tirupur.
3. The Deputy Director,
TNPCB, Kumaran Complex,
Tirupur.
4. The Sub-Collector,
Dharapuram.
5. The Tashildar,
Kangayam Taluk office,
Kangayam, Tirupur Distirct.
6. The president,
Velappanaickenvalasu Panchayat,
Senapathipalayam Village,
Senapathipalayam,
Vellakoil Via 638 111,
Kangayam Taluk, Tirupur Distirct.
7. Sri Nidhi Metals and Minerals,
S.F No. 736, Senapathipalayam Village,
Velappa Naicken Valasu Post,
Vellakoil Via 638 111,
Kangayam Taluk, Tiruppur Distirct.



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8. Erode Mines,
S.F. No. 722, enapathipalayam Village,
Velappa Naicken Valasu Post,
Vellakoil Via 638 111,
Kangayam Taluk, Tirupur Distirct

9. R. Manokaran

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other writ, directing the 1st and 2nd Respondent to take action against the 7th and 8th and 9th Respondent to shut down the crusher mines as not complied with the conditions as per the memo dated 19.04.2021 issued by the 1st Respondent herein.

For Petitioner : M/s. S.Vennila

For Respondents : Mr. M.R.Gokul Krishnan
Government Advocate for R1 to R5

Mr. A.Selvendran
Senior Government Pleader for R6

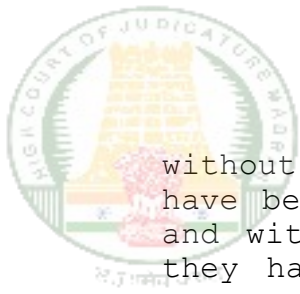
O R D E R

The petitioner has filed this writ petition seeking for the issuance of Writ of Mandamus directing the 1st and 2nd Respondent to take action against the 7th and 8th and 9th Respondent to shut down the crusher mines as not complied with the conditions as per the memo dated 19.04.2021 issued by the 1st Respondent herein.

2. Since no adverse order is being passed against the respondent, notice on respondents 7 to 9 is dispensed with.

3. The case of the petitioner is that the petitioner is having a residential and agricultural land within 300 meters from the crusher mine owned by the 7th, 8th and 9th respondents. The petitioner's nephew, one Prabhukumar, has approached the 1st to 6th respondents and submitted petitions to close the crusher mines of the private respondents situated in Agricultural and PAP Canal irrigation lands which was affecting the trees, temples and residential houses situated within 500 meters from the above said mine, but there was no response.

4. It is further submitted that the crusher mine was built



without proper compound wall and no pollution control devices have been found as per TNPCB inspection report dated 19.02.2021 and without NOC being obtained from the competent authorities, they have obtained the original license and even renewing the same easily and also have obtained false inspection reports as original license obtained by the previous license holder "Shree Nithi Stone and Metal". Also the 1st respondent issued a memo dated 19.04.2021 to the 2nd and 5th to see to it that 7th , 8th and 9th respondent put fencing in the approved area but the same was ignored by the respondents. Hence, this Writ petition.

5. The learned counsel appearing for the petitioner submitted that the 7th, 8th and 9th respondents are running the Crusher mine without obtaining PCB license from the TNPCB and no safety device has been installed as per the law to avoid pollution and also they have not erected proper fencing. Hence, he submitted that this Court issues direction to the respondents 1-3 to take appropriate action to shut down the Crusher mine running without complying the conditions as per the Memo dated 19.04.2021, by considering the representation submitted by the petitioner.

6. The learned counsel appearing for the respondents 1 to 6 has no serious objection for the prayer sought for by the petitioner and further submitted that the petitioner's complaint will be considered and appropriate orders will be passed within the time stipulated by this Court.

7. In view of the above submissions, this Court without going into the merits of the issue directs the respondents 1 to 3 to consider the petitioner's complaint and pass appropriate orders thereon in accordance with law after hearing the petitioner as well as respondents 7 to 9 and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sha/skt



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