



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

Coram

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.26177, 26182, 26185, 26187,
26190 & 26191 of 2018 (Nos.6)

K.M.Chinnasamy, Proprietor ... Petitioner in W.P.No.26177 of 2018
S.Thangavel, Proprietor ... Petitioner in W.P.No.26182 of 2018
M.Ramasamy, Proprietor ... Petitioner in W.P.No.26187 of 2018
P.Vasanthamani, Proprietor ... Petitioner in W.P.No.26190 of 2018
S.Rangasamy, Proprietor ... Petitioner in W.P.No.26191 of 2018
S.Velusamy, Proprietor ... Petitioner in W.P.No.26185 of 2018

Vs.

1. The Project Director,
National Highways Authority of India,
Door No.11/1, Kongu Nagar East
(Back Side of Appasamy Apartments)
Ramanathapuram, Coimbatore - 641 045.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Deputy Director,
Geology and Mining, Collectorate,
Tiruppur - 641 604.

...Respondents 1 to 3 in all W.P's

Common Prayer:-

These Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to forthwith consider and pass orders on the representations of the petitioner, dated 27.08.2018, 28.08.2018, 27.08.2018, 27.08.2018, 27.08.2018, 27.08.2018 respectively in accordance to law with respect to request for change of project alignment of the proposed Karur-Coimbatore six-lane road by maintaining the distance of 300



meters as stipulated under the Tamil Nadu Minor Mineral Concession Rules, 1959 and the distance stipulated under Tamil Nadu Pollution Control Board Norms from the place of petitioner's stone quarry, stone crushing unit and M-Sand Unit.

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For Petitioners

in all W.Ps. : M/s.P.Saravana Sowmiyan

For Respondents 2&3

in all W.Ps. : Mr.V.Nanmaran,
Additional Government Pleader

: Su.Srinivasan,
for R1 in all W.P's

C O M M O N O R D E R

These Writ Petitions are been filed by the petitioners, seeking for mandamus on the first respondent to forthwith consider and pass orders on the representation of the petitioners' dated 27.08.2018 and 28.08.2018, in accordance to law with respect to request for change of project alignment of the proposed Karur-Coimbatore six-lane road by maintaining the distance of 300 meters as stipulated under the Tamil Nadu Minor Mineral Concession Rules, 1959 and the distance stipulated under Tamil Nadu Pollution Control Board Norms from the place of petitioners' stone quarry.

2. At the outset, Mr.P.Saravana Sowmiyan, the learned counsel appearing for the petitioners submits that, in respect of a similar issue, the petitioners, who were similarly situated with that of the petitioners herein approached this Court by way of filing W.P.Nos.14140 and 14141 of 2018 and the said Writ Petitions were disposed of by this Court, vide order, dated 22.11.2021 and the operative portion of the said order is reproduced herein below :-

"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



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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.

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 persused 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 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. ."

2.1 Therefore, the learned counsel prays that in view of the order passed by this Court in an identical issue, similar order may be passed in the present Writ Petitions as well.

3. Mr.V.Nanmaran, the learned Additional Government Pleader, for the respondents 2 and 3 has no objection in following the previous order, dated 22.11.2021, passed in W.P.Nos.14140 and 14141 of 2018.

4. Thus, in the light of the earlier order passed by this Court, vide its order dated 22.11.2021, passed in W.P.Nos.14140 and 14141 of 2018, this Court is of the view that the present Writ Petitions can also be disposed of on the same lines. Accordingly, all these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Project Director,
National Highways Authority of India,
Door No.11/1, Kongu Nagar East
(Back Side of Appasamy Apartments)
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2. The District Collector,
Tiruppur District, Tiruppur.
3. The Deputy Director,
Geology and Mining, Collectorate,
Tiruppur - 641 604.

+1cc to the Government Pleader, S.R.No.61090

W.P.Nos.26177, 26182, 26185,
26187, 26190 & 26191 of 2018

KSM(CO)
SU(06/01/2022)