



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.500 of 2021 and
W.M.P.(MD)Nos.426 & 428 of 2021

R.Gurusamy

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Geology and Mining Department,
Fort St. George, Secretariat,
Chennai.
2. The Director of Geology and Mining,
Chennai.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The Deputy Director,
Geology and Mining,
Virudhunagar District,
Virudhunagar.
5. Tamil Nadu Pollution Control Board,
No.23, Master Plan Area,
Sattur Road, Collectorate,
Virudhunagar District.
6. Tahsildar,
Sivakasi Taluk Office, Sivakasi,
Virudhunagar District.
7. S.Sakthimurugesan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent proceedings No.KV1/211/2019 dated 21.11.2020 granting mining lease to 7th respondent for rough stone and gravel quarrying, quashing the same and consequently directing respondents 1 to 6 to restraint the seventh respondent to carry out the mining activity pursuant to the mining lease in S.No.718/2B an extent of 1.97.5



Hectares situated at Erichanatham Village, Sivakasi Taluk, Virudhunagar District.

For Petitioner : Mr.S.Jeyasingh

For R-1 to R-4&R-6 : Ms.M.Rajeswari,
Government Advocate.

For R-5 : Mr.S.Bageerathan

For R-7 : Mr.J.Lawrance

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the grant of mining lease in favour of the seventh respondent. The petitioner claims to be the owner of the land adjacent to the quarrying site.

3. I wanted to know, if any specific statutory provision or rule has been violated in the matter of grant of mining lease. The firm stand of the official respondents as well as that of the private respondents is that there is no infraction of the statutory provision. The petitioner is also not able to draw my attention to any specific provision that has been violated in the matter of granting the mining lease. However, the learned counsel appearing for the petitioner drew my attention to Rule 19(2)(c)(iii) of TAMIL NADU MINOR MINERAL CONCESSION RULES, 1959 which states that quarrying shall be carried out without affecting the interest of the adjoining land owners. This provision can be invoked, if the quarrying activity is prejudicially conducted. This provision cannot be invoked to challenge the grant of mining lease itself.

4. Therefore, I am not in a position to interfere with the order passed by the third respondent granting mining lease to the seventh respondent. However, I make it clear that if the seventh respondent carries on his quarrying activities in a manner affecting the interest of the writ petitioner, the writ petitioner is always at liberty to lodge a complaint before the third respondent and the third respondent is directed to take action on the petitioner's complaint without any delay.

5. The petitioner's counsel would also point out that in the agreement entered into between the third respondent and the seventh respondent, period of lease has not been mentioned. But then, the learned Government Advocate as well as the learned counsel appearing for the Tamil Nadu Pollution Control Board would clarify that the lease period is five years. This statement is also placed on record.



6. This writ petition stands disposed of in the aforesaid terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
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4. The Deputy Director, Geology and Mining,
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6. Tahsildar, Sivakasi Taluk Office, Sivakasi,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-9170[F] dated 05/03/2021)

+1 CC to M/s.S.JEYASINGH, Advocate (SR-8523[F] dated 03/03/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-8812[F] dated 04/03/2021)

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-8854[F] dated 04/03/2021)

W.P.(MD)No.500 of 2021

03.03.2021

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