



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.2615 of 2021

and

W.M.P. (MD)Nos.2151 and 2153 of 2021

S.Sundararajan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar.

2.The Deputy Director,
Geology and Mining,
Virudhunagar.

3.The Assistant Director,
Geology and Mining,
Virudhunagar.

4.Jayapooja Blue Metal,
761A/15, North Street,
Chatrapatti Post,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned mining plan approval issued by the 2nd respondent ROC No.KVI/457/2020 dated 01.12.2020, quash the same.

For Petitioner : Mr.Arun Swaminathan.RM

For Respondents : Mr.Bhagavathi,
Govt. Advocate for R1 to R3.
Mr.Isaac Mohanlal, Senior counsel,
For M/S.Isaac Chamber for R4.



ORDER

Heard the learned counsel for the writ petitioner, the learned Government Advocate for the respondents 1 to 3 and the learned standing counsel for the fourth respondent.

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2.The petitioner challenges the mining plan approval issued by the second respondent in favour of the fourth respondent, permitting the fourth respondent to carry on with mining operations. The petitioner states that he is owning agricultural land contiguous to the proposed quarry site.

3.When the matter was taken up for hearing, the learned senior counsel appearing for the fourth respondent pointed out that the very filing of the writ petition is completely premature. He would point out that the matter is presently pending consideration before the State Environment Impact Assessment Authority (SEIAA). The fourth respondent had given an application and certain field reports had been submitted. SEIAA had raised certain queries regarding the field reports. To clarify the same, the Deputy Director, Geology and Mining, Virudhunagar had sent the impugned communication dated 01.12.2020. The learned senior counsel would point out that the impugned communication, that is challenged in the writ petition was only a clarificatory letter and nothing more than that. But he would fairly state that the second respondent earlier granted mining planning approval in favour of the fourth respondent. But then, quarry license is yet to be issued by the District Collector. That stage is yet to arise. Only when SEIAA grants clearance, the first respondent will take up the matter for consideration. Till then, it cannot be stated that the petitioner's rights has been infringed. I find considerable force in the contentions of the learned senior counsel that the writ petition has been prematurely filed.

4.Leaving open the petitioner's rights and granting liberty to the petitioner to move this Court again, if so advised, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

<https://hcservices.courts.gov.in/hcservices/> shall be the responsibility of the



advocate/litigant concerned.

To:

1.The District Collector,
Virudhunagar.

2.The Deputy Director,
Geology and Mining,
Virudhunagar.

3.The Assistant Director,
Geology and Mining,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-8432[F] dated 03/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-8447[F] dated
03/03/2021)

**W.P (MD) No.2615 of 2021
02.03.2021**

RK (21.04.2021) 3P 6C