



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD) No.7811 of 2021

Muthuramalingam

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director(Mines),
District Collector Office Building,
Thoothukudi.

3.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

4.The Tahsildhar,
Sathankulam Taluk,
Thoothukudi District.

5.Franklinq

... Respondents

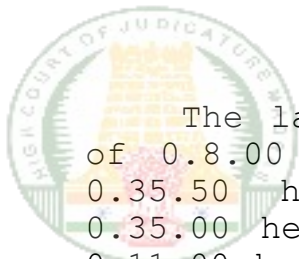
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting licence or permission to the fifth respondent and his men for commencing quarry operations in Survey Nos.37/2A1, 36/1, 37/3A, 37/281, 56/59 and 35/1 Meerankulam Village, Sathankulam Taluk, Thoothukudi District, without following the provisions of the Tamil Nadu Mines and Minerals Act and without obtaining environmental clearance from the competent authorities.

For Petitioner	: Mr.R.Pon Karthikeyan
For R-1 to R-4	: Mrs.J.Padmavathi Devi, Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner to forbear the respondents 1 to 4 from granting licence or permission to the fifth respondent and his men from commencing quarry operations in Survey Nos.37/2A1, 36/1, 37/3A, 37/281, 56/59 and 35/1 Meerankulam Village, Sathankulam Taluk, Thoothukudi District, without following the provisions of the Mines and Minerals(Development & Regulation) Act, 1957 and without obtaining environmental clearance from the competent authorities.

2.The brief facts of the case are as follows:



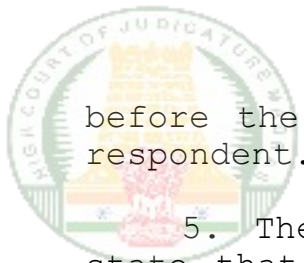
The lands comprised in Survey No.526/11H measuring an extent of 0.8.00 hectares, in Survey No.526/11I measuring an extent of 0.35.50 hectares, 526/12 measuring 0.38.00 hectares, 829/9 measuring 0.35.00 hectares and in Survey No. 570/5B measuring an extent of 0.11.00 hectares situated in Merankulam Part-I, Sathankulam Taluk, Thoothukudi District, belongs to the petitioner's father namely Duraipandi and now, the petitioner and his family members are in possession and enjoyment of the same.

(ii) According to the petitioner, the above said lands are agricultural lands and they are used to raise cash crops and seasonal crops and the fasli record also indicates that the above lands are agricultural lands and agricultural activities are going on. Adjoining to the said agricultural lands, the lands in Survey Nos.37/2A1, 36/1, 37/3A, 37/2B1, 59/59 and 35/1 are situated and the said lands are belonging to the fifth respondent and his family members vide patta No.2522. Apart from the above said lands belonging to the petitioner and his family members, there are several hectares of agricultural lands situated surrounding the said lands and in some of the lands, agricultural activities are still going on.

(iii) While the matter stood thus, it is learnt that the fifth respondent and his family members have proposed to commence quarrying operations in their above said patta lands. Earlier also, in Survey Nos.882/182, 882/183, 882/184, 882/185, 882/186 of Meerankulam Village, the fifth respondent obtained licence for quarrying blue metal in the name of Mariselvi, W/o.Kangamani, the father of the petitioner, for a period of five years and the same was expired on 08.11.2014. Thereafter, due to consistent opposition by the adjoining agricultural land owners, the quarry lease was not renewed and now, the fifth respondent again applied for quarry licence. Hence, this writ petition.

3. The learned counsel appearing for the petitioner would state that if the quarry licence is granted to the fifth respondent, the petitioner and the adjoining land owners, who are doing agricultural activities in their lands, will be put to irreparable loss and hardship as their agricultural activities will get affected by the quarrying operations and therefore, suitable direction is to be given to the authorities to redress the grievance of the petitioner and other agriculturists.

4. The learned Special Government Pleader appearing for the official respondents would state that the revenue officials had inspected the subject property based on the representation given by one of the adjacent land owners like that of the petitioner and based on the said inspection, a report was also given by the authorities stating that there are no agricultural lands situate nearby the subject land. Now, the petitioner, who is the owner of a



before the authorities with regard to grant of lease to the fifth respondent.

5. The learned Special Government Pleader would specifically state that permission for commencing the quarry operations has not yet been granted to the fifth respondent as the Environmental Clearance Certificate is awaited and the matter is pending before the concerned authorities and she would state that the objection of the petitioner will also be considered before granting licence.

6. The said submission is recorded. In view of the same, before granting licence to the fifth respondent for commencing quarry operations, the respondents 1 to 4 are directed to consider the objection raised by the petitioner by giving personal hearing to him and pass appropriate orders, on merits and in accordance with law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Collector,
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4.The Tahsildhar,
Sathankulam Taluk,
Thoothukudi District.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-16005[F] dated
16/04/2021)

+1 CC to M/s.SPL GP (SR-16334[F] dated 17/04/2021)

W.P (MD) No.7811 of 2021
16.04.2021

TP (CO)
KB (13.05.2021) 4P 7C