



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10285 of 2021

and

W.M.P (MD) .No.7971 of 2021

WEB COPY

Paravel

... Petitioner

-Vs-

1.The District Collector,
Dindigul District.

2.The Assistant Director of Geology and Mining,
Dindigul District.

3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Dindigul, Dindigul District.

4.Athithya Blue Metals,
Kambalinayakanpatti ,
Puthuchatram Post,
Dindigul West Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action on the 4th respondent for using of prohibited materials while blasting the rocks at Survey Nos.16 and 17 of Balakanuthoou Village, Dindigul District, so as to prevent damages to the standing crops of the petitioner as well as to ensure safety to the person working in the patta land of the petitioner by considering the representation of the petitioner dated 31.05.2021.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.D.Gandhiraj

Government Advocate for R1 to R3

Mr.R.Singaravelan

Senior Counsel

for Mr.D.Selvanayagam for R4

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action on the 4th respondent for using of prohibited materials while blasting the rocks at Survey Nos.16 and 17 of Balakanuthoou Village, Dindigul



District, so as to prevent damages to the standing crops of the petitioner as well as to ensure safety to the person working in the patta land of the petitioner by considering the representation of the petitioner dated 31.05.2021.

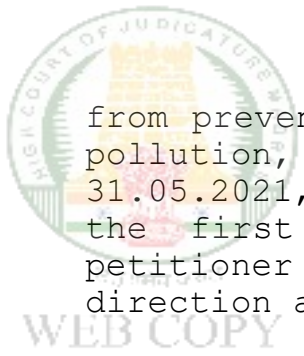
2.The fourth respondent had applied for permission to have a stone quarrying operation at Balakanuthoou Village, Dindigul District, and the said application having been processed, permission was granted to the fourth respondent on 14.06.2018 for a period of seven years to run the quarrying activities in the name and style of Athithya Blue Metals at Kambalinayakanpatti, Dindigul District.

3.Accordingly, the fourth respondent had been doing the quarrying operations.

4.In this context, it is the case of the petitioner that the petitioner is having cultivatable lands at Survey Nos.15/1, 41/D, etc., at Balakanuthoou Village, Dindigul District. In that property, the petitioner is cultivating drumstick, coconut and other crops. That apart, the petitioner is also residing in one of the property, ie., in S.No.111/2A.

5.In this context, it is the case of the petitioner that the adjacent property is a Government Poromboke land in S.Nos.16 and 17, where, the quarrying operations by blasting the stones having been undertaken by the fourth respondent and in the research, the fourth respondent, according to the petitioner, has been using prohibited materials while blasting the rocks, thereby, the very living condition of the petitioner in the nearby land is very much affected. Therefore, in order to ensure that while doing the quarry operation including the blasting, the fourth respondent shall strictly adhere to the conditions imposed in this regard, if any, at the time of giving quarrying permit. The petitioner had given a representation on 31.05.2021 to the respondents, especially, the first respondent-District Collector and the said representation since has not been considered and no corrective measures, according to the petitioner, had been taken by the first respondent, namely, the District Collector to ensure that the fourth respondent is strictly adhering to the conditions imposed to have a peaceful quarrying activities without disturbing the neighbours by using the alleged prohibited materials, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

6.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, who, having reiterated the aforesaid would submit that the fourth respondent for the purpose of blasting the rocks using the prohibited materials, thereby, heavy noise and air pollution is being generated and therefore, in order to prevent the fourth respondent either from undertaking the quarrying activities or atleast to ensure that the strict security measures are being taken



from preventing the fourth respondent for creating any noise or air pollution, the petitioner though had given a representation on 31.05.2021, no steps have been taken by the respondents, especially, the first respondent. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to issue a suitable direction as sought for in this writ petition.

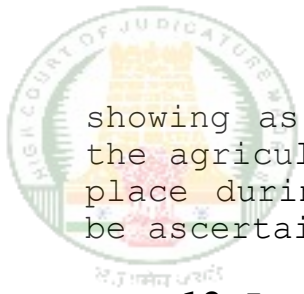
7. Heard Mr.R.Singaravelan, learned Senior Counsel appearing for the fourth respondent, who, by relying upon the various averments made in the counter affidavit had submitted that, after applying for getting permission for stone quarrying operation, the said application of the fourth respondent was processed by the respondents and in this regard after getting report from the Revenue Inspector, Mines as well as the Assistant Director of Geology and Mining and after publishing notice inviting objections from the public, such quarrying permission was granted by proceedings dated 14.06.2018 for a period of seven years.

8. Learned Senior Counsel would also submit that insofar as the quarrying operation is concerned, the fourth respondent has been strictly maintaining the conditions whatever imposed in this regard, and no prohibited items or materials being used for the purpose of blasting the rocks and in this context, the District Collector or any other authorities under the law can take any action against the fourth respondent for any violation, but, no such violation had been taken place. Hence, based on the mere apprehension or for the reasons best known to them, since the petitioner has approached this Court by filing the present writ petition, the same is liable to be rejected, hence he wanted dismissal of this writ petition.

9. I have heard the learned Government Counsel appearing for the official respondents, who is also in the same line, as has been projected by the learned Senior Counsel appearing for the fourth respondent, made submissions stating that strict adherence of the conditions imposed in the quarrying permission is being maintained and in this regard, strict vigil also would be undertaken by the official respondents against the fourth respondent while quarrying, and in this context, if any specific violation is noticed, either by the petitioner or any public that can be brought to the notice of the official respondents and once such complaint anything come to the notice of the official respondents, they can take action against the fourth respondent.

10. I have heard the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

11. In support of the said contention raised by the petitioner as projected by the learned counsel appearing for the petitioner, though some photographs had been filed in the typeset of papers



showing as if that the blasted stone materials had been fallen in the agricultural land of the petitioner, whether that had been taken place during the quarrying operation or blasting operation, has to be ascertained.

12. In this regard, if such any written complaint has been given by way of representation as has been given by the petitioner, it is the duty of the official respondents, especially, the first respondent to consider the same and decide it, on merits and in accordance with law. In this context, though conditions have been imposed at the time of giving quarrying permit to the fourth respondent, whether the fourth respondent has been continuously following such condition strictly, in accordance with law, has to be ensured and in this context monitoring activities can continuously be taken on behalf of the official respondents and therefore in that view of the matter, this Court is inclined to dispose of this writ petition with the following directions:

'that there shall be a direction to the first respondent, namely, the District Collector to consider the representation of the petitioner dated 31.05.2021 and do the needful and pass orders thereon, ensuring the strict compliance of the conditions imposed by the first respondent while granting quarrying permission to the fourth respondent, and in this regard, constant vigil shall be made by the subordinates of the first respondent and the complaint given by the petitioner as to whether any stone materials had fallen in the agricultural land of the petitioner, by thus, the petitioner's agricultural activities and his dwelling is affected or not can also be verified, and if so, suitable action shall be taken.

In this regard, accordingly, the representation of the petitioner dated 31.05.2021 shall be considered and orders shall be passed thereon within a period of thirty days from the date of receipt of a copy of this order. It is made clear that in this context, if at all any further complaint or input has to be received from the petitioner or fourth respondent that can also be received from them and based on which, the first respondent, District Collector can pass orders as indicated above, within the time frame. It is open to the petitioner to produce the copy of the representation dated 31.05.2021 and any other additional input in support of that representation along with a copy of this order to the first respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the needful as indicated above shall be undertaken by the first respondent.'



13.With these directions, this writ petition is disposed of. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (A.D II)

// 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,
Dindigul District.

2.The Assistant Director of Geology and Mining,
Dindigul District.

3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Dindigul, Dindigul District.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-25228[F] dated 04/08/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-25275[F] dated 05/08/2021)

W.P. (MD)No.10285 of 2021
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RS (19.08.2021) 5P 6C