



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)Nos.848 and 2168 to 2170 of 2019

and

W.M.P. (MD)Nos.674 to 676 and 3117 of 2019, 1723 to 1725 and
5381 of 2019, 1726 to 1728 and 5382 of 2019 and 1729 to 1731 and
5383 of 2019

P.Gunasekaran ... Petitioner in all the W.Ps.

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Industrial Department,
Secretariat,
Chennai.
- 2.The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Public Works Department,
Secretariat,
Chennai.
- 3.The Chief Engineer,
Public Works Department,
Secretariat (Water Resource),
River Safety Division,
Chepauk,
Chennai.
- 4.The Director of Geology and Mining,
Guindy,
Chennai.
- 5.The Chairman,
TWAD Board,
Chennai.
- 6.The District Collector,
Karur District,
Karur.
- 7.The President,
District Level Environmental Impact
Assessment Authority (DIEIA),
Karur.



8.The Revenue Divisional Officer,
Karur.

9.The Executive Engineer,
Public Works Department,
WRD, Mining and Monitoring Division,
Tiruchirappalli.

10.The Assistant Executive Engineer,
Geology and Mining Department,
Karur.

11.The Tahsildar,
Karur Taluk,
Karur District.

12.The Village Administrative Officer,
Melapalayam Village,
Karur District.

... Respondents in W.P(MD).848/2019

1. The Government of Tamilnadu
Rep by its Chief Secretary, Industrial Dept.Secretariat,
Chennai.

2. The Government of Tamilnadu
Rep by its Chief Secretary, Public Works Dept.Secretariat,
Chennai.

3. The Chief Engineer,
Public Works Dept., Secretariat,
(Water Resources),
River Safety Division,
Chepauk, Chennai.

4. The Director of Geology And Mining,
Guindy,
Chennai.

5. The Chairman,
Twad Board,
Chennai.

6. The District Collector
Karur District ,
Karur.

7. The Presidnet,
District Level Environmental Impact Assessment Authority,

<https://hcservices.ecourts.gov.in/hcservices/>



(Dieia), Karur.

8. The Revenue Divisional Officer,
Karur.

9. The Executive Engineer,
Public Works Dept.,
Wrd, Mining and Monitoring Division,
Trichy.

10. The Assistant Executive Engineer,
Geology and Mining Dept.,
Karur.

11. The Tahsildar,
Manmangalam Tk.,
Karur District.

12. The Village Administrative Officer,
Koyampalli Village,
Karur District ... Respondent(s) in WP(MD). 2168/ 2019

1. The Government of Tamilnadu
Rep by its Chief Secretary,
Industrial Dept., Secretariat,
Chennai.

2. The Government of Tamilnadu
Rep by its Chief Secretary, Public Works Dept.,
Secretariat, Chennai.

3. The Chief Engineer,
Public Works Dept., Secretariat, (Water Resources),
River Safety Division,
Chepauk, Chennai.

4. The Director of Geology And Mining,
Guindy, Chennai.

5. The Chairman,
Twad Board,
Chennai.

6. The District Collector
Karur District ,
Karur.

7. The Presidnet,
District Level Environmental Impact Assessment Authority,

<https://hcservices.ecourts.gov.in/hcservices/>



(Dieia), Karur.

8. The Revenue Divisional Officer,
Karur.

9. The Executive Engineer,
Public Works Dept., Wrd, Mining and Monitoring Division,
Trichy.

10. The Assistant Executive Engineer,
Geology and Mining Dept.,
Karur.

11. The Tahsildar,
Manmangalam Tk.,
Karur District

12. The Village Administrative Officer,
Panjamadevi Village,
Karur District ... Respondent(s) in WP(MD). 2169/ 2019

1. The Government of Tamilnadu
Rep.By its Chief Secretary, Industrial Dept.,
Secretariat, Chennai.

2. The Government of Tamilnadu
Rep.By its Chief Secretary, Public Works Dept.,
Secretariat, Chennai.

3. The Chief Engineer,
Public Works Dept., Secretariat,
(Water Resources), River Safety Division,
Chepauk, Chennai.

4. The Director of Geology And Mining, Gundy,
Chennai.

5. The Chairman,
Twad Board,
Chennai.

6. The District Collector,
Karur District

7. The President,
District Level Environmental,
Impact Assessment , Authority(Dieia),
Karur.



8. The Revenue Divisional Officer,
Karur.

9. The Executive Engineer,
Public Works Dept., Wrd,
Mining and Monitoring Division,
Trichy.

10. The Assistant Executive Engineer,
Geology and Mining Dept.,
Karur.

11. The Tahsildar,
Karur Tk,
Karur District

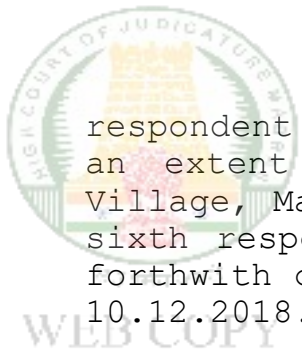
12. The Village Administrative Officer,
Puliyur Village,
Karur District

... Respondents in WP(MD). 2170/ 2019

Prayer in W.P. (MD)No.848/2019:- Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the sixth respondent herein in his proceedings in Na.Ka.No.1198/mining.2017, dated 19.11.2018, permitting the 9th respondent to conduct sand quarry operation in S.F.No.940 (Part) to an extent of 1.50.0 Hectare of river, situated at Melapalayam Village, Karur Taluk, Karur District, consequently, direct the sixth respondent to stop the sand quarry run by the 9th respondent forthwith on the basis of the representations, dated 04.12.2018 and 10.12.2018.

Prayer in W.P. (MD)No.2168/2019:- Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the sixth respondent herein in his proceedings in Na.Ka.No.1194/mining.2018, dated 19.11.2018, permitting the 9th respondent to conduct sand quarry operation in S.F.No.1048A (Part) to an extent of 1.25.0 Hectare of river, situated at Koyampatti Village, Manmangalam Taluk, Karur District, consequently, direct the sixth respondent to stop the sand quarry run by the 9th respondent forthwith on the basis of the representations, dated 04.12.2018 and 10.12.2018.

Prayer in W.P. (MD)No.2169/2019:- Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the sixth respondent herein in his proceedings in Na.Ka.No.1195/mining.2017, dated 19.11.2018, permitting the 9th



respondent to conduct sand quarry operation in S.F.No.1129 (Part) to an extent of 1.21.0 Hectare of river, situated at Panjamadevi Village, Manmangalam Taluk, Karur District, consequently, direct the sixth respondent to stop the sand quarry run by the 9th respondent forthwith on the basis of the representations, dated 04.12.2018 and 10.12.2018.

Prayer in W.P. (MD)No.2170/2019:- Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the sixth respondent herein in his proceedings in Na.Ka.No.1199/mining.2017, dated 19.11.2018, permitting the 9th respondent to conduct sand quarry operation in S.F.No.1993 (Part-A) to an extent of 1.40.5 Hectare of river, situated at Puliur Village, Manmangalam Taluk, Karur District, consequently, direct the sixth respondent to stop the sand quarry run by the 9th respondent forthwith on the basis of the representations, dated 04.12.2018 and 10.12.2018.

For Petitioner	: Mr.S.Gokul Raj
(in the all W.Ps.)	
For R1 to R8 & R10 to R12	: Mr.K.Chellapandian
(in all the W.Ps.)	Additional Advocate General
	Assisted by
	Mr.K.P.Krishnadoss
	Special Government Pleader

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Prima facie we do not subscribe to the views expressed in the impugned order, including the very passing of the said order, purportedly on the Writ Petition filed by an Association, without taking into consideration the ground reality from the point of view of the water source and the need of the individual. We do not propose to say anything, since the period of lease itself has come to an end. We only wish and expect respondent No.9 to apply his mind including the scope and ambit of Rules 6, 15 and 23 of the Tamil Nadu Minor Mineral Concession Rules, 1959 before undertaking such an exercise. We may only add that, from the point of preservation of environment and the water source, the method, by which sand is removed would become irrelevant in a given situation. We also note that the District Level Environmental Impact Assessment Authority has mechanically given approval without making a proper assessment and the lease itself has been granted for two years, which also cannot be countenanced.



2. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSII)

WEB COPY

// 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 Chief Secretary to Government of Tamil Nadu,
Industrial Department,
Secretariat,
Chennai.

2. The Chief Secretary to Tamil Nadu,
Public Works Department,
Secretariat,
Chennai.

3. The Chief Engineer,
Public Works Department,
Secretariat (Water Resource),
River Safety Division,
Chepauk,
Chennai.

4. The Director of Geology and Mining,
Guindy,
Chennai.

5. The Chairman,
TWAD Board,
Chennai.

6. The District Collector,
Karur District,
Karur.

7. The President,
District Level Environmental Impact

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Assessment Authority (DIEIA),
Karur.

8.The Revenue Divisional Officer,
Karur.

9.The Executive Engineer,
Public Works Department,
WRD, Mining and Monitoring Division,
Tiruchirappalli.

10.The Assistant Executive Engineer,
Geology and Mining Department,
Karur.

11.The Tahsildar,
Karur Taluk,
Karur District.

12.The Village Administrative Officer,
Melapalayam Village,
Karur District.

13.The Tahsildar,
Manmangalam Tk.,
Karur District.

14. The Village Administrative Officer,
Panjamadevi Village,
Karur District

15.The Village Administrative Officer,
Koyampillai village,
Karur District

16.The Village Administrative Officer,
Puliyur Village,
Karur District

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-8605[F] dated 04/03/2021)

+1 CC to M/s.SPL GP (SR-8657[F] dated 04/03/2021)

W.P. (MD)Nos.848 and 2168 to 2170 of 2019
03.03.2021

MJ(CO)
KB(18.03.2021) 8P 19C