



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.07.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.15534 of 2019

and

W.M.P (MD)Nos.12184 and 13874 of 2019

WEB COPY

P.Narayanan

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Thoothukudi District.
- 2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
- 3.The Assistant Executive Engineer,
Thamirabarani River Water Basin,
Public Works Department/
Water Resource Organization,
Srivaigundam,
Thoothukudi District.
- 4.The Assistant Director,
Geology and Mining,
District Collectorate Campus,
Thoothukudi District.
- 5.The Superintendent of Police,
O/o.the Superintendent of Police,
Thoothukudi District.
- 6.Mr.K.Moorthi
- 7.Mr.Ambika @ Ambikapathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to make spot inspection and conduct enquiry and forbearing the respondent Nos.6 and 7 from preventing the petitioner for taking Savadu and Gravel Soil at Arumugamangalam Pond, Eral Taluk, Thoothukudi District as per the permission order given by the respondent Nos.2 and 3 in the light of G.O.Ms.No.50 (Industries (MMC.1) Department dated 27.04.2017 within the time stipulated by this Court.



For Petitioner : Mr.I.Pinaygash
For R-1 to R-5 : Mr.P.Thillak Kumar,
Government Advocate
For R-6 & R-7 : Mr.D.Sreenivasaraghavan

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ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to make spot inspection and conduct enquiry, to forbear the respondent Nos.6 and 7 from preventing the petitioner from taking Savadu and Gravel Soil at Arumugamangalam Pond, Eral Taluk, Thoothukudi District as per the permission given by the respondent Nos.2 and 3 in the light of G.O.Ms.No.50 (Industries (MMC.1) Department dated 27.04.2017, within a stipulated time.

2.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 5 would bring to the notice of this Court the orders passed by the Hon'ble Division Bench in W.P(MD)No.20903 of 2016, 23452, 24495, 17370 and 18035 of 2019 dated 12.02.2021, wherein this Court has issued the following directions in the matter of removal of savudu and gravel sand.

"(i) There shall not be any grant of quarry lease without ascertaining the composition/component of the minerals and without obtaining a report from a authorised lab. The Department of Geology and Mining shall establish a lab on its own or shall authorise any lab in this regard.

(ii) There shall not be any quarry operation in the name of colloquial terms / local terms and any lease shall be in accordance with minerals notified under Section 3 of the MMDR Act.

(iii) A High Level committee has to be constituted, consisting of Geologists and Experts in the said field and eminent Officers from WRO, PWD, to conduct a detailed study / survey on the possibility or the availability of the river sand on the adjacent patta lands to the rivers and those places, where sand is available, have to be notified and declared as protected zones and there cannot be any quarry operation other than by the Government, in those notified areas.

(iv) The Department of Geology and Mining, shall furnish the details of all the savudu quarries granted so far, in the State of Tamil Nadu, to this Court, within a period of eight weeks from the date of receipt

of a copy of this order.



(v) The details of all the savadu quarries shall also be furnished to the High Level Committee and the High Level Committee shall inspect those quarries to ascertain the availability of sand in those quarries. In the event of the High Level Committee ascertaining the availability of sand in these quarries, the same shall be reported to the Commissioner of Geology and Mining, marking a copy to this Court and the Commissioner shall take necessary action as against the officials, who have granted quarry permits without ascertaining the composition of minerals.

(vi) Any quarry operations shall be permitted only by way of lease agreement, as per Article 299 (I) of the Constitution of India.

(vii) The Government shall either adopt the Mineral Conservation Rules, 2017, framed by the Central Government or frame a separate Rule, as directed by the Hon'ble Supreme Court in Deepa Kumar's case, within a period of six months from the date of receipt of a copy of this order.

(viii) Whenever, SEIAA clearance is required, it shall be done only after physical inspection by deputing an officer attached to SEIAA and depending upon the report, further proceedings may take place in accordance with law and there must be a mechanism to ensure the conditions of SEIAA are strictly complied with."

3. The above directions are squarely applicable to the present writ petition also.

4. Accordingly, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

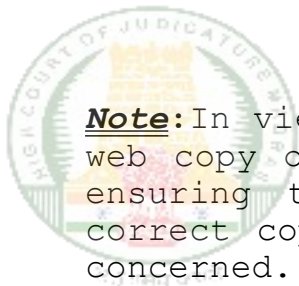
Assistant Registrar (AD-II)

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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 correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:

- 1.The District Collector, Collectorate, Thoothukudi District.
- 2.The Tahsildar, Ottapidaram Taluk, Thoothukudi District.
- 3.The Assistant Executive Engineer,
Thamirabarani River Water Basin,
Public Works Department/
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- 4.The Assistant Director,
Geology and Mining, District Collectorate Campus,
Thoothukudi District.
- 5.The Superintendent of Police,
O/o.the Superintendent of Police,
Thoothukudi District.

+1 CC to M/s.D.SRINIVASA RAGHAVAN, Advocate (SR-21643[F] dated 08/07/2021)

+1 CC to M/s.SPL GP (SR-21963[F] dated 09/07/2021)

W.P (MD) No.15534 of 2019
08.07.2021

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