



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.16429 of 2019

and

W.P (MD) No.13112 of 2019

M.Kaliyaperumal

... Petitioner

Vs.

1. The Principal Secretary to Government of Tamil Nadu
Industries Mines and Quarries Minor Minerals Department
Secretariat,
St. George Fort,
Chennai - 600 009.
2. The District Collector
Thanjavur District,
Thanjavur.
3. The Assistant Director
Geology and Mining Department,
Thanjavur.
4. The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.
5. The Tahsildar
Thanjavur Taluk,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to strictly implement the condition mentioned in G.O.Ms.No.50, dated 27.04.2017 issued by the Industries (MMC-1) Department of the Government of Tamil Nadu.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.K.P.Krishnadass,
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

WEB COPY

Heard Mr.A.Rajaram, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents.

2.This writ petition has been filed as a Public Interest Litigation to strictly implement the conditions mentioned in G.O.Ms.No.50, dated 27.04.2017.

3.Counter affidavit has been filed by the second respondent stating that all steps have been taken to ensure that there is no illicit mining of savudu. In paragraph No.9 of the counter affidavit, it is stated that the petitioner, his wife and 10 others are encroachers of the tank poramboke and they have filed a suit against the Department. If that is so, the petitioner should clear himself of any allegations of encroachment and he may obtain appropriate decree from the Civil Court and thereafter, pursue his claim by making specific averments as to where illicit mining and transportation of savudu are being done and appropriate information should be given in the representation. The representation, which is filed in the typed set along with the writ petition as well as the affidavit filed in support of the writ petition are not sufficient to issue any direction in this writ petition, which is being filed as a Public Interest Litigation.

4.With the above observation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

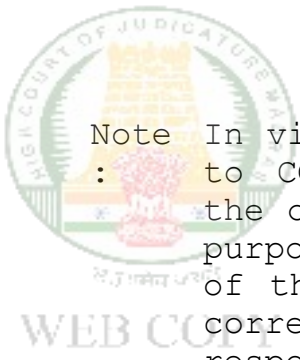
Sd/-

Assistant Registrar (AE)

// 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 Principal Secretary to Government of Tamil Nadu
Industries Mines and Quarries Minor Minerals Department
Secretariat,
St. George Fort,
Chennai - 600 009.
2. The District Collector
Thanjavur District,
Thanjavur.
3. The Assistant Director
Geology and Mining Department,
Thanjavur.
4. The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.
5. The Tahsildar
Thanjavur Taluk, Thanjavur.

+1 CC to M/s.SPL GP (SR-16726[F] dated 20/04/2021)

+1 CC to M/s.A.RAJARAM, Advocate (SR-16362[F] dated 19/04/2021)

ORDER MADE IN
W.P.[MD]No.16429 of 2019
19.04.2021

RS (04.05.2021) 3P 8C