



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.22287 of 2018
and W.M.P. (MD) Nos.20203 & 20204 of 2018
(Through Video Conferencing)**

V.S.Rajendrasen : Petitioner
Vs.

- 1.The Secretary
Ministry of Mines, Government of India,
Shashtri Bhavan
New Delhi.
- 2.The Secretary
Ministry of Environment and Forest,
New Delhi
- 3.The Secretary
Industries (MMB.II) Department
Fort St. George,
Chennai.
- 4.The Secretary,
Department of Environment and Forest,
Tamilnadu.
- 5.The State Level Environmental Impact Assessment
Authority,
Rep. by its Chairman,
3rd Floor, Panagal Maaligai
No.1 Jennis Road, Saidapet,
Chennai
- 6.The Commissioner of Geology and Mining,
Chennai
- 7.The Controller of Explosives,
South Circle,
Chennai
- 8.The Chairman
Tamilnadu Pollution Control Board,
Chennai



9.The District Collector
Kanyakumari District

10.The Assistant Director of Geology and Mining,
Kanyakumari District.

11.The Revenue Divisional Officer,
Padmanabhapuram
Kanyakumari District.

12.The Tahsildar,
Kalkulam Taluk
Padmanabhapuram
Kanyakumari District.

13.The Tahsildar,
Vilavancode,
Kulithurai
Kanyakumari District

14.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

15.The Executive Engineer,
Public Works Department/WRO
Kanyakumari District.

16.R.Sankar

17.R.Karthikeyan

18.Mohammed Sherif

19.M.S.Srimaa

20.Alex Paul

21.K.Rajeswaran

22.N.Krishnavarman

23.Varkishraj Kumar

24.Ramesh Vargish

25.John Peter

26.C.Gangatharan



28.Anthiarajabai

29.G.Jusfer

30.Viyakulamuthu

31.Valsalakumari

32.S.Muthiah

33.A.Ajikumar : Respondents

(R32 & R33 have been suo-motu impleaded
as per the order of this Court dated 14.03.2019)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 15 to take action (A) to reopen the vital supply channel encroached by the respondents NO.16 to 31 (b) to reopen the encroached pathway adjacent to the respondents 16 to 31 quarry (C) to reopen the encroached tanks filled with sand namely Oorkulam Tank, Puliyankulam Tank, etc. (D) to take action against the respondents 16 to 31 for blocking the supply channel and the tanks by prosecuting them under section 8 of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and under section 430 and 431 of IPC (E) to take action against the respondents 16 to 29 for doing excess quarrying than the permitted extent (F) to take action against the respondents 16 to 31 for committing damages to the buildings due to excess quarrying within 300 meters of the quarry site. (G) to take action against the authorities concern who is giving false report given by the concern authorities and to prosecute them under section 167 of IPC for giving false inspection report as to the existence of residential houses and other places of public importance within 300 meters radius as per Rule 36(1-A) (a) of the Tamil Nadu Mines and Minerals Rules 1959 and to cancel the quarry licenses granted to the respondents 16 to 31 by the 9th respondent.

For Petitioner : Mr.K.Balasubramani

For Respondents : Mr.S.Jeyasingh for R1, R2 & R7
Mr.R.S.Sivaram for R3
Mr.N.Dilipkumar for R5
Mr.K.P.Krishnadoss for R9 to R15, R3, R4 & R6
Special Government Pleader
Mr.Bageerathan for R8
Mr.Mohammed Haneefa for R18
Ms.AL.Gandhimathi for R22 & R30
Ms.Poornima For R5, R16 & R17
Mr.D.Srinivasaraghavan for R20



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Mr.M.Gnanagurunathan for R21 to R23
and R28
Mr.Muthukumarasamy for R19
Mr.M.P.Senthil for R18
Mr.T.Antony Arul raj for R24

ORDER

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

The learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition. He has also circulated a letter dated 30.03.2021 to the Registry.

2.In view of the said submission and letter circulated to the Registry, this writ petition is dismissed as withdrawn. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Secretary

Ministry of Mines, Government of India,
Shashtri Bhavan
New Delhi.

2.The Secretary

Ministry of Environment and Forest,
New Delhi

3.The Secretary

Industries (MMB.II) Department
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4.The Chairman,

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14.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

15.The Executive Engineer,
Public Works Department/WRO
Kanyakumari District.

16.The Secretary,
Department of Environment and Forest,
Tamilnadu.

+1 CC to M/s.V.SANJEEVI, Advocate (SR-15063[F] dated 01/04/2021)

+1 CC to M/s.K.BALASUBRAMANI, Advocate (SR-15064[F] dated
01/04/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-15123[F] dated 01/04/2021)

[https://hccs.courtsofjudiciary.gov.in/hccs/Service/CaseDetails.aspx?CaseNo=22287&CaseType=W.P.\(MD\)&CaseStatus=Pending](https://hccs.courtsofjudiciary.gov.in/hccs/Service/CaseDetails.aspx?CaseNo=22287&CaseType=W.P.(MD)&CaseStatus=Pending) +1 CC to M/s.S.EYASINGH, Advocate (SR-15042[F] dated 01/04/2021)



+1 CC to M/s.M.GNANA GURUNATHAN, Advocate (SR-15257[F] dated 01/04/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-15264[F] dated 01/04/2021)

+1 CC to M/s.SPL GP (SR-15329[F] dated 07/04/2021)

+1 CC to M/s.S.BAGEERATHAN, Advocate (SR-15412[F] dated 07/04/2021)

Order made in
W.P. (MD) No.22287 of 2018
Dated: 01.04.2021

RK (23.04.2021) 6P 25C