



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.5815 of 2022

E.Manickam

...Petitioner

Vs

1. The Secretary to the Government,
Government of Tamil Nadu,
Environment and Forest Department,
Chennai-600 009.
2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai-600 032.
3. The Commissioner of Geology and Mining,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai-600 032.
4. The Assistant Director,
Geology and Mining Department,
Thiruvannamalai,
Thiruvannamalai District.
5. The District Collector,
District Collector Office,
Thiruvannamalai District - 606 604.
6. The Revenue Divisional Officer/Sub-Collector,
O/o. The Revenue Divisional Officer,
Cheyyar, 604 407.
Thiruvannamalai District.
7. The Tahsildar,
Office of Tahsildar,
Cheyyar,
Thiruvannamalai District.
8. The Revenue Circle Inspector,
Office of the Revenue Circle Inspector,
Cheyyar,
Thiruvannamalai District.



WEB COPY

9. The Village Administrative Officer,
Office of VAO,
Nedumpirai Village & Post,
Cheyyar Taluk,
Thiruvannamalai District.

10.M/s.R.P.P. Infra Projects Ltd.,
S.F.No:454, Raghupathy Naiken Palayam,
Poondurai Road, Railway Colony,
Erode, Tamil Nadu 638 002.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 7 herein to consider the Petitioner's representation dated 03.12.2021 submitted by the Petitioner not to grant Licence for 12 years in favour of the 10th Respondent to implant ordinary stone and Gravel Sand quarry plant in Survey Numbers 415/2, 418/1, 425/4 & 418/2 of Nedumpirai Village and to implant small stone Crusher Plant and M.Sand plant in Survey Numbers 415/1B3, 415/1B4, 415/1B2 & 434/2 of Nedumpirai Village, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.B.Vijay - (for R1, R3 to R9)
Additional Government Pleader

O R D E R

Mr.B.Vijay, learned Additional Government Pleader accepts notice for R1 and R3 to R9 and is armed with instructions to enable final disposal of this matter. In view of the order passed in the paragraphs to follow, no notice is thought necessary to R2 and R10. Hence, by consent expressed by learned counsel for the petitioner and the learned Additional Government Pleader, this Writ Petition is disposed finally even at the stage of admission.

2.The limited prayer of the petitioner is for a mandamus directing respondents 1 to 7 to consider the petitioner's representation dated 03.12.2021 not to grant licence to the 10th respondent for quarrying ordinary stone and gravel sand in S.Nos.415/2, 418/1, 425/4 & 418/2 of Nedumpirai Village as well as to implant small stone crusher plant and M sand plant in S.Nos.415/1B3, 415/1B4, 415/1B2 & 434/2 of Nedumpirai Village, Cheyyar Taluk, Thiruvannamalai District.

3.Mr.Vijay would accede to the position that the application



of the petitioner as aforesaid is pending before the District Collector, arrayed as R5. He also informs this Court that R10 and the petitioner are related parties to the extent that some of the survey numbers mentioned aforesaid have been purchased by R10 from the petitioner.

4. Be that as it may, he draws attention to Rules 19 and 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short 'Rules') and states that it would be appropriate that R5 be directed to consider the application of the petitioner in light of the aforesaid Rules and dispose the same.

5. Rules 19 and 20 set out the procedure for obtaining quarrying lease in ryotwari lands and disposal of such application. The application of R10 seeking quarrying lease is pending before R5 and objection filed by the petitioner on 03.12.2021 is also so pending. The procedure set out, on a combined reading of Rules 19 and 20, is that the District Collector, the appropriate authority will hear the applicant as well as the objector to determine the validity of any objection raised as well as the veracity of the application filed and after determining whether the application is in order and whether the objections raised are meritorious, shall decide the same in accordance with law, applicable Rules and Regulations.

6. As a result, R5, before whom the application of R10 for quarrying licence as well as the objections of the petitioner are pending, is directed to hear both parties and pass a considered order upon both, after hearing the parties and consideration of all evidences as may be relevant, within a period of six (6) weeks from today.

7. This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

S1

To

1. The Secretary to the Government,
Government of Tamil Nadu,
Environment and Forest Department,
Chennai-600 009.
2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy,
Chennai-600 032.



3. The Commissioner of Geology and Mining,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai-600 032.
4. The Assistant Director,
Geology and Mining Department,
Thiruvannamalai, Thiruvannamalai District.
5. The District Collector,
District Collector Office,
Thiruvannamalai District - 606 604.
6. The Revenue Divisional Officer/Sub-Collector,
O/o. The Revenue Divisional Officer,
Cheyyar, 604 407.
Thiruvannamalai District.
7. The Tahsildar,
Office of Tahsildar,
Cheyyar,
Thiruvannamalai District.
8. The Revenue Circle Inspector,
Office of the Revenue Circle Inspector,
Cheyyar, Thiruvannamalai District.
9. The Village Administrative Officer,
Office of VAO,
Nedumpiral Village & Post,
Cheyyar Taluk,
Thiruvannamalai District.

+1cc to V.R.Appaswamee, Advocate, S.R.No.17540

+1cc to the Government Pleader, S.R.No.18187

W.P.No.5815 of 2022

AD(CO)
RGA(04/05/2022)