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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.8694, 8695, 8697,

8888, 8885, 8867, 8855, 8838, 8846 & 8923 of 2022

MINI CHAMBER BRICKS (UNIT-I)
REP.BY ITS PROPERITOR V.SAMPATH KUMAR
S/O.VELAPPA NAIDU
5/146 THIRUVALLUVAR NAGAR
CHINNATHADAGAM POST,
COIMBATORE-641 108. ... PETITIONER in WP No.8694 of 2022

VMT CHAMBER BRICKS
REP.BY ITS PROPERITOR M.RAVI
S/O.MARUDHAPPA GOUNDER
22 NANJUNDAPURAM
CHINNATHADAGAM POST
COIMBATORE-641 108. ... PETITIONER in WP No.8695 of 2022

INDU CHAMBER BRICKS (UNIT-I)
REP.BY ITS PROPERITOR P.SUBRAMANIAM
S/O.R.N.PALANISAMY 4/50-2 RAMANATHAPURAM
CHINNATHADAGAM POST
COIMBATORE. ... PETITIONER in WP No.8697 of 2022

RSK CHAMBER BRICKS
REP BY ITS PROPERITOR R.KRISHNASAMY
S/O.R.N.RAJU 4 /127 RAMANATHAPURAM
CHINNATHADAGAM POST
COIMBATORE- 641108. ... PETITIONER in WP No.8888 of 2022

NCK CHAMBER BRICKS
REP. BY ITS PROPERITOR N.K.CHANDRAMOHAN
S/O.KANDASAMY 22 NAJUNDAPURAM
CHINNATHADAGAM POST
COIMBATORE 641108. ... PETITIONER in WP No.8885 of 2022

VMT CHAMBERS BRICKS



REP. BY ITS PROPERITOR M.RAVI
S/O.MARUDHAPPA GOUNDER 22 NAJUNDAPURAM
CHINNATHADAGAM POST
COIMBATORE 641108. ... PETITIONER in WP No.8867 of 2022

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INDU CHAMBERS BRICKS (UNIT -I)
REP. BY ITS PROPERITOR V.SAMAPATH KUMAR
S/O.VELAPPA NAIDU 5/146
THIRUVALLUVAR NAGAR CHINNATHADAGAM POST
COIMBATORE 641108. ... PETITIONER in WP No.8855 of 2022

RSK CHAMBERS BRICKS
REP. BY ITS PROPERITOR R.KRISHNASAMY
S/O.R.N.RAJU 4/127 RAMANATHAPURAM
CHINNATHADAGAM POST
COIMBATORE - 641108. ... PETITIONER in WP No.8838 of 2022

INDU CHAMBERS BRICKS (UNIT - I)
REP. BY ITS PROPERITOR P.SUBRAMANIAM
S/O.R.N.PALANISAMY 4 / 50- 2 RAMANATHAPURAM
CHINNATHADAGAM POST COIMBATORE.
... PETITIONER in WP No.8846 of 2022

NCK CHAMBER BRICKS
REP. BY ITS PROPERITOR N.K.CHANDRAMOHAN
S/O.KANDASAMY 22 NANJUNDAPURAM
CHINNATHADAGAM POST
COIMBATORE-641 108. ... PETITIONER in WP No.8923 of 2022

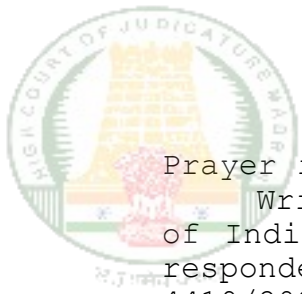
VS.

THE DIRECTOR OF GEOLOGY AND MINING
GUINDY, CHENNAI.
... RESPONDENT in WP No.8694,8695,
8697,8888 AND 8923 of 2022

1.THE DISTRICT COLLECTOR
COIMBATORE DISTRICT.

2 THE ASSISTANT EXECUTIVE ENGINEER
TN ELECTRICITY BOARD,COIMBATORE.

3 THE DIRECTOR OF GEOLOGY AND MINING,
GUINDY, CHENNAI. ...RESPONDENTS in WP Nos.8885,8867,8855,
8838,8846 of 2022



Prayer in WP Nos.8694,8695,8697 8888 and 8923 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the first respondent to dispose the Appeal.Nos. 4392/2021,4192/2021, 4419/2021,4207/2021 and 4204/2021 respectively filed on 13.07.2021 pending on the file the respondent,within a stipulated time.

Prayer in WP No.8885 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to de- seal the premises and grant of electricity connection No 03-129 -001-1256 at No.57/1A 3A in Nanjundapuram Village,Coimbatore District so as to enable the petitioner to remove / shift all the baked bricks, raw bricks, machineries and other materials from the petitioner company.

Prayer in WP No.8867 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to de- seal the premises and grant of electricity connection No 03-129 -1204 at No.117, 118 / 1A in Nanjundapuram Village,Coimbatore District so as to enable the petitioner to remove / shift all the baked bricks, raw bricks, machineries and other materials from the petitioner company.

Prayer in WP No.8855 of 2022:

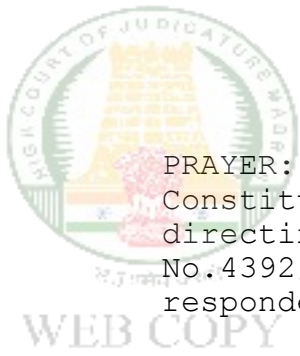
Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to de- seal the premises and grant of electricity connection No 130-008 -344 at No.555 / 1 in Chinnathadagam Village,Coimbatore District so as to enable the petitioner to remove / shift all the baked bricks, raw bricks, machineries and other materials from the petitioner company.

Prayer in WP No.8838 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to de- seal the premises and grant of electricity connection no 03-130 -008 - 171 at No.491/B2 in Chinnathadagam Village,Coimbatore District so as to enable the petitioner to remove / shift all the baked bricks, raw bricks, machineries and other materials from the petitioner company.

Prayer in WP No.8846 of 2022:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to de- seal the premises and grant of electricity connection No 03-129 -001- 1166 at S.F No.206/2B2 in Nanjundapuram Village,Coimbatore District so as to enable the petitioner to remove / shift all the baked bricks, raw bricks, machineries and other materials from the petitioner company.



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, by directing the first respondent to dispose the Appeal No.4392/2021 filed on 13.07.2021 pending on the file of the respondent, within a stipulated time.

In all W.Ps.

For Petitioner : Mr.AL.Somayaji
Senior Advocate
for Mr.P.Govindarajan

For Respondent : Mr.B.Vijay
Additional Government Pleader

COMMON ORDER

Heard Mr.A.L.Somayaji, learned senior counsel appearing for Mr.P.Govindarajan, learned counsel on record for the petitioners and Mr.B.Vijay, learned Additional Government Pleader appearing for the respondents.

2. These Writ Petitions may be split into two batches, petitioners in one batch of Writ Petitions (W.P.Nos.8694, 8695, 8697, 8923 and 8888 of 2022) seek a direction to the first respondent, who is the Director of Geology and Mining to dispose the appeals dated 13.07.2021 filed by the petitioners before R1.

3. Mr.Vijay, upon instructions, would accede to the suggestion of the Court that the appeals be disposed within a period of six (6) weeks from today after hearing the petitioners and consideration of materials filed/to be filed by them.

4. With this, W.P.Nos.8694, 8695, 8697, 8923 and 8888 of 2022 stand closed, as the purpose of the said Writ Petitions stand achieved. No costs.

5. Petitioners in the second set of Writ Petitions (W.P.Nos.8846, 8838, 8855, 8867 and 8885 of 2022) seek a direction to the respondents to de-seal the premises and grant electricity connection so as to enable the petitioners to remove/shift all the baked bricks, raw bricks, machineries and other materials contained therein.

6. The aforesaid prayer is resisted by Mr.Vijay, who would submit that once the brick kiln has been found to be in operation sans requisite licences, then the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, specifically Section 21 would stand triggered, and as a consequence, the premises would have to be sealed in entirety.

7. There is some history to the above submission. The First Bench of this Court was seized of a Public Interest Litigation on the question of indiscriminate mining of earth



and functioning of brick kilns in hilly areas. The authorities, by way of an interim order, were directed to engage in a wide-spread exercise of identifying those units that were compliant of statutory requirement, being operated with requisite licenses.

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8. The resultant enquiries revealed that several entities including the petitioners before me, were in violation of statutory provisions. Orders thus came to be passed holding the entities non-compliant and without the sanction of law, in terms of Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short 'Rules'). The aforesaid orders of the original authority dated 13.06.2021 have been challenged by the petitioners in appeal, which have been directed to be disposed expeditiously in paragraph 3 of this order.

9. The alleged offending unit in question in respect of each of the writ petitions is as follows:

1. Indu Chambers Bricks (Unit I)
2. RSK Chambers Bricks
3. VMT Chambers Bricks
4. NCK Chambers Bricks

10. The petitioners have specifically sought before the original authority, by way of a separate application, the grant of permit for removal of brick earth from the premises in question. The authority at paragraph 14 of the orders that have been challenged in appeal, states that necessary orders will be passed separately in relation to the aforesaid interim applications, in terms of Rule 19(2) of the Rules.

11. The prayer in the second batch of Writ Petitions is slightly different insofar as these petitioners have not filed separate applications before the original authority for removal of brick earth, but put forth the prayer now, before this Court, seeking removal of materials including baked bricks, raw bricks, machinery and other materials from the premises in question.

12. Seeing as R1 is seized of the appeal, it is not appropriate for this Court to interfere at this juncture to consider or grant the relief as sought for by the petitioners. Suffice it to say, that the appellate authority is well empowered to consider and grant all interim protection as sought for by the petitioners including the prayer now made before this Court. To be noted that the prayer for interim relief made by the petitioners in batch I stands deferred by the original authority who have not addressed the same till date.

13. Thus, while considering the appeals of all the petitioners, R1 will consider and decide the interim protection sought. Those of the petitioners who have not thus far sought interim protection are permitted to seek such interim protection as they may desire, by way of separate applications, and let such applications, if and when filed, be disposed within a period of two weeks thereafter. The appeals



shall be disposed within a time frame of six (6) weeks as fixed and directed earlier.

14. With these directions, W.P.Nos.8846, 8838, 8855, 8867 and 8885 of 2022 stand disposed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.THE DISTRICT COLLECTOR
COIMBATORE DISTRICT.

2 THE ASSISTANT EXECUTIVE ENGINEER
TN ELECTRICITY BOARD,COIMBATORE.

3 THE DIRECTOR OF GEOLOGY AND MINING,
GUINDY, CHENNAI.

+1 cc to Mr.P.Govindarajan, Advocate Sr.NO. 26021

+9 ccs to Mr.P.Govindarajan, Advocate Sr.NO. 26021(31/05/2022)

W.P.Nos.8694, 8695, 8697, 8888,

8885, 8867, 8855, 8838, 8846 & 8923 of 2022

NR(CO)

A.SK(30/05/2022)