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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.9965 OF 2022

AND

W.M.P.NO.9683 OF 2022

K.Murugasamy

... Petitioner

.Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
3. The Tahsildar
Avinashi Taluk,
Tiruppur District.
4. The Deputy Director of Geology and Mining,
Department of Geology and Mining,
Tiruppur, Tiruppur District.

5. K.Ramasamy

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to permit the petitioner herein to carry on quarrying operations in the subject quarry in S.F.Nos.279/1, 279/2 and 279/3 of Kalipalayam Village Avinashi Taluk, Tiruppur District for which quarry lease was granted by the 4th respondent in its proceedings in Na.Ka.No.288/2018/Minerals dated 14.09.2020 for a period of 5 years commencing from 14.09.2020 and 13.09.2025 by issuing transport permit.



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For Petitioner : Mr.V.P.Sengottuvel
For Respondents : Mr.B.Vijay
Additional Government Pleader
[R1 to R4]

O R D E R

Mr.B.Vijay, learned Additional Government Pleader accepts notice for R1 to R4 and is armed with instructions to proceed with the matter finally. In view of order that is proposed to be passed, no notice is thought necessary to R5 since written instructions dated 20.04.2022 make reference to enquiry caused on the complaint filed by R5.

2. The petitioner seeks a mandamus directing the respondent to permit him to carry on quarry operations in S.F.Nos.279/1, 279/2, 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District. He holds a quarry lease spanning 5 years issued on 14.09.2020 commencing from the aforesaid date till 13.09.2025. He seeks the issuance of transport permit to enable the carrying out of the licensed activities.

3. Written instructions dated 20.04.2022 from the Deputy Director of Geology and Mining, Tiruppur arrayed as R4 state as follows:

Thiru.K.Murugasamy has filed a writ petition No.9965/2022 before the Hon'ble High Court of Madras with a prayer to direct the Respondents 1 to 4 to permit the petitioner herein to carry on quarrying operations in the subject quarry in S.F.No.279/1, 279/2 and 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District for which quarry lease was granted by the 4th respondent in its proceedings in Na.Ka.No.288/2018/Minerals dated 14.09.2020 for a period 5 years commencing from 14.09.2020 and 13.09.2025 by issuing transport permit and thus render justice.

2. In this connection, it is submitted that Thiru.K.Murugasamy S/o.KaruppanaGounder was granted quarrying lease for Rough Stone and Gravel, over an extent of 1.14.5 hectares in patta land comprised in S.F.No.279/1 and 279/3 of Kalipalayam Village, Avinashi Taluk, erstwhile Coimbatore District for a period of 5 years from 28.02.2008 to 27.02.2013 vide District Collector, Coimbatore proceedings in R.C.No.850/2007/X1 dated: 28.02.2008. Subsequent to



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the expiry of the said lease period, he has been granted quarrying lease again in S.F.No.279/1, 270/2 and 279/3 over an extent of 2.27.5 hectares of Kalipalayam Village, Avinashi Taluk, Tiruppur District for a period of 5 years from 14.09.2020 to 13.09.2025 vide Deputy Director, Geology and Mining proceedings in R.C.No.288/2018/Mines dated 14.09.2020 and carried out quarrying operations in the subject area.

3. It is further submitted that, while the quarry is in operation one Thiru.K.Ramasamy S/o. Karuppasamy 5th respondent herein have made a representation dated 06.09.2021 stating that, the lessee Thiru.K.Murugasamy, has indulged in quarrying operation without obtaining consent from the Tamil Nadu Pollution Board and also by using heavy explosives which in turn causes threat to the nearby residentials and objecting the grant of quarry lease to the lessee Thiru.K.Murugasamy, since he had violated the Tamil Nadu Minor Mineral Concession Rules, 1959.

4. In this connection, Tahsildar, Avinashi after due inspection of the said area has reported vide letter dated 23.09.2021 that, Thiru.K.Murugasamy has been carrying out quarrying operation only in the lease granted area in S.F.No.279/1,2,3 over an extent of 2.27.5 hectares of Kalipalayam Village, Avinashi Taluk and finally upon enquiring the public and the lessee, the complainant Thiru.K.Ramasamy S/o.Karuppasamy had complained against the lessee due to personal enmity.

5. It is submitted that, even after the report received from the Tahsildhar, the earlier petitioner as well as some other villagers were making some other representations one after another and the lessee Thiru.K.Murugasamy, has also made a representation dated 13.12.2021 stating that, false allegations are being made against him by Thiru.K.Ramasamy due to personal enmity and requested to take action in this regard. Therefore, the Revenue Divisional Officer, Tiruppur and Taluk Level Task Force Committee, Avinashi have benrequested to inspect the subject area and to send a detailed report vide letter in R.C.No.1168/2021/Mines dated 16.12.2021 and 15.02.2022 respectively.



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6. It is further submitted that, the Revenue Divisional Officer Tiruppur in letter R.C.No.454/2022/1 dated 07.02.2022 and the Tahsildhar/Convenor, Taluk Level Task Force Committee, Avinashi in letter R.C.No.471/2022/5 dated 09.03.2022 reported that, there are no residential buildings, industries and low/high tension electric lines within 300-meter radius from the subject quarry except the lessee and quarry labourers' residential building. Since, there are no violations noticed in subject quarry, the Revenue Divisional Officer, Tiruppur has recommended for the grant of transport permit to the lessee.

In view of the circumstances stated above, it is submitted that the petitioner's representation dated 13.12.2021 is being considered and necessary transport permits will be issued to the petitioner/lessee on submission of consent from the Tamil Nadu Pollution Control Board and it is therefore requested that, the above facts may be appraised before the Hon'ble High Court and to defend the case.

4. In light of the same, specifically the assurance in the concluding paragraphs of the written instructions, direction is issued to R4 to take up and process the petitioner's representation dated 13.12.2021, receive documents as submitted by the petitioner, and pass final orders within a period of one week from today, upon condition that relevant consents/approvals from the Tamil Nadu Pollution Control Board or other bodies/entities, as appropriate, are furnished by the petitioner.

5. This writ petition is disposed in the above terms. No costs. Connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ska/nst



To

1. The District Collector
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur District,
Tiruppur.
3. The Tahsildar
Avinashi Taluk,
Tiruppur District.
4. The Deputy Director of Geology and Mining,
Department of Geology and Mining,
Tiruppur, Tiruppur District.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.26833
+1cc to the Government Pleader, S.R.No.27528

W.P.NO.9965 OF 2022 AND
W.M.P.NO.9683 OF 2022

MG (CO)
PBS/24/05/2022