



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

WEB COPY

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.15395 OF 2019 &
WMP.NO.15358 OF 2019

C.Munusamy

... Petitioner

Vs

1. The Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Revenue Divisional Officer,
Maduranthagam Taluk,
Kancheepuram District.
4. The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.
5. The Assistant Director,
Geology and Mining,
Kancheepuram District.
6. The District Engineer,
District Pollution Control Board,
Oragadam, Kancheepuram District.
7. B.Saraswathy

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 5th respondent to prevent the 7th respondent from carrying on any Stone Crushers operations in Survey Nos.336/4, 5, 6 and 7 in Murukkambakkam Village, Maduranthagam Taluk, Kancheepuram District.



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For Petitioner : Mr.Gnanasekar
For Respondents : Mr.B.Vijay,
Additional Government Pleader-R1 to R5
Mr.Shanmugavalli Sekar,
Standing Counsel-R6

ORDER

Pursuant to directions issued on 25.02.2022, status report dated 09.03.2022 has been filed by the 2nd respondent/District Collector, wherein at Paragraphs 5 to 7 he states as follows:

"5) It is submitted that the District Environmental Engineer, Tamil Nadu Pollution Control Board, Maraimalai Nagar vide letter dated 26.02.2022 has reported that the Tamil Nadu Pollution Control Board has issued "Consent to Establishment for the establishment of stone crusher in S.F.Nos.336/4, 5, 6 & 7 in Murugambakkam Village, Maduranthagam Taluk, Chengalpattu District in favour of the 7th respondent vide Proceedings No.F.1894SPR/OS/DEE/TNPCB/SPR/W&A/ 2018, Dated: 10.08.2018 to produce 1. Blue Metal Jelly - 300 T/Day, 2 M-Sand-300 T/Day, after obtaining Non Objection Certificate from the Tahsildhar Maduranthagam vide report dated 09.06.2018. The District Environmental Engineer, Tamil Nadu Pollution Control Board, Maraimalai Nagar has also reported that he has inspected the subject area on 17.02.2022 and during inspection no crusher unit has been established in the subject area and cultivation of watermelon existing in the subject area.

6) It is further submitted that subsequently, the Tahsildhar, Maduranthagam vide letter dated 28.02.2022 has reported that the S.F.Nos.336/4, 5, 6 & 7 in Murugambakkam Village, Maduranthagam Taluk, Chengalpattu District have been assigned to Schedule Community through the Department of AdiDrivadar Welfare. Subsequently the subject land has been purchased by Tmt. B.Saraswathy W/o. Babu vide document No.394/2018 dated 06.02.2018 registered at sub registrar office, Maduranthagam and registered vide Patta No.609 of Murugambakkam Village. The Tahsildhar Maduranthagam has further reported that at present cultivation of watermelon is existing in the subject area.



7) It is submitted that since the S.F.Nos.336/4, 5, 6 & 7 in Murugambakkam Village, Maduranthagam Taluk, Chengalpattu District is an assigned land, I have instructed the Revenue Divisional Officer Maduranthagam vide letter dated 07.03.2022 to cancel the NOC given by the Tahsildhar Maduranthagam for the establishment of stone crusher in the assigned land and also instructed the District Environmental Engineer, Tamil Nadu Pollution Control Board, Maraimalai Nagar to cancel the consent to establishment issued by the Tamil Nadu Pollution Control Board. It is also submitted that Revenue Divisional Officer Maduranthagam is also instructed to carry out an enquiring on the purchase of assigned land by the 7th respondent and take suitable action."

2.The Tamil Nadu Pollution Control Board/R6 has also filed a status report dated 28.02.2022 confirming at Para 4 as follows:

"4. It is respectfully submitted that the unit of M/s. Saraswathi Blue Metal, S.F.No.336/4, 336/5, 336/6 & 336/7, Murukkambakkam Village, Maduranthagam Taluk, Chengalpattu District was inspected on 17.02.2022, During inspection it was noticed that the said unit's site was found vacant and the proponent of the said unit is using the said area for cultivating watermelon."

3.The aforesaid status reports make it clear that the petitioner's alleged grievances in regard to the activities of stone crushing by the private respondents have no merit.

4.Recording the above, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sl/kbs



To

1. The Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Revenue Divisional Officer,
Maduranthagam Taluk,
Kancheepuram District.
4. The Tahsildar,
Maduranthagam Taluk,
Kancheepuram District.
5. The Assistant Director,
Geology and Mining,
Kancheepuram District.
6. The District Engineer,
District Pollution Control Board,
Oragadam, Kancheepuram District.

+1cc to Mr.Gnanasekar, Advocate, S.R.No.17102
+1cc to the Government Pleader, S.R.No.17424

W.P.No.15395 of 2019 &
WMP.No.15358 of 2019

GSM(CO)
PM/30/03/2022