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W.P.No.28693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28693 of 2022

P.Kathiresan

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Petitioner

Vs.

1.The District Collector,
The District Collector's Office,
Salem District.

2.The Deputy Director,
Department of Geology and Mining,
The District Collector's Office,
Salem-636 001.

3.A.Prabhakaran,

4.M/s.Bharani Earth Movers,
Rep. By its Proprietor M.Bharanidharan,
102A, Chinnmal Building,
Peramanur Main Road, Four Roads,
Salem-636 016.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to conduct an enquiry on the illegal mineral mining by the 3rd and 4th respondents and



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verify the validity of the Registration Certificates No.478 of 2021 and 189 of 2021 of the 3rd and 4th respondents by considering the representation dated 29.04.2022.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.P.Muthukumar,
State Government Pleader for R1 & R2

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

This Writ Petition, styled as a Public Interest Litigation, has been filed for a Mandamus directing the respondents 1 and 2 to conduct an enquiry on the illegal mineral mining by the respondents 3 and 4 and verify the validity of the Registration Certificates No.478 of 2021 and 189 of 2021 of the respondents 3 and 4 by considering the representation dated 29.04.2022.

2. According to the petitioner, the third respondent, who is having RC.No.478/2021 for the period extending from 07.05.2021 to 06.05.2031 for the purpose of mining of Gravel, Redsoil, Stones, Jelly, M-Sand, P-Sand Dust, is not only extracting sand from Devannagoundanoor, but also in Government Poromboke lands in neighbouring villages including Mattampatti. Odaikaadi, Forest areas surrounding the said localities and in



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few private lands with no authorization whatsoever in an illegal manner.

Further, according to the petitioner, the third respondent is also engaging in illicit extraction, sale of gravel and sand in and around Edappadi and the third respondent is also levying charges for other vehicles plying the aforesaid villages to extract sand at the rate of Rs.400/- per unit and Rs.1600/- per vehicle. Similarly, the fourth respondent, who had obtained permit for extraction vide R.C.No.189/2021 for a small area near Salem, had resorted to act greedily as per his whims and fancies.

3. According to the petitioner, the land in which the extraction has been permitted under RC.No.478 of 2021 bearing S.No.351/2A in Devannagoundanoor, measuring an extent of 0.79.5 Hectare, is a private land belonging to private individuals as reflected in Patta Number 2630, Encumbrance Certificate and Guideline Value Document and the registration certificate issued to the third respondent bearing R.C.No.478 of 2021 is nothing but transgression of the rights of an individual and the respondents 2 and 3 have clearly violated the terms of their registration certificates by operating beyond the scope of their area of extraction, by unlawfully



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entrenching into Government Poromboke lands, private lands and forest lands. The petitioner has also submitted a representation dated 29.04.2022 to the respondents 1 and 2 requesting to take action against the respondents 3 and 4 for committing such illegal activities and since no action has been taken so far, the petitioner has filed the instant writ petition under the guise of Public Interest Litigation.

4. Heard the learned counsel for the parties and also perused the materials on record.

5. A perusal of the typed set of papers would reveal that the petitioner has furnished particulars with regard to ownership of the properties comprised in S.No.351, Encumbrance Certificate in respect of the property in S.No.351/2A, Guideline Value Certificate and the representation submitted to the District Collector, Salem alleging violations and except the aforesaid documents, no other document has been enclosed in the typed set

of papers. The petitioner has not filed any substantive material for the



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allegations made in the affidavit as to the illegal extraction of sand in the aforesaid areas. When the writ petitioner has filed the instant pro bono litigation, has to furnish all the relevant material documents to substantiate the allegation of extraction of sand from Government Poromboke lands, private lands and forest lands by unlawful means and in the absence of any substantive material or record for the aforesaid illegal activities by the respondents 3 and 4, this Court is not inclined to entertain the writ petition and finds no merit in the writ petition.

6. The Writ Petition stands dismissed accordingly. No costs.

[T.R., ACJ.,] [D.K.K., J.]
31.10.2022

Index: Yes/No
Internet: Yes/No
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To
1. The District Collector,
The District Collector's Office,
Salem District.

T.RAJA, ACJ.,



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and
D.KRISHNAKUMAR, J.

Jvm

2.The Deputy Director,
Department of Geology and Mining,
The District Collector's Office, Salem-636 001.

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