



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.NO.23756 OF 2021

AND

W.M.P.NOS.25013 AND 25016 OF 2021

B.Pasumpon Anand

.. Petitioner

vs

1. District Collector,
Chengalpattu District,
Collector Office, GST Road,
Tamil Nadu - 603 001.
2. Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
No.76, Mount Road, Guindy,
Chennai 600 032.
3. Directorate of Geology and Mining,
Rep. by its Director, Alandur Road,
Guindy Industrial Estate, Guindy,
Chennai 600 032.
4. Revenue Divisional Officer,
Maduranthakam Taluk, Tamil Nadu 603 306.
5. Tahsildar,
Maduranthakam,
National Highway 38,
Tamil Nadu 603 306.
6. Kannan
7. M/s.Prasanna Blue Metals
Rep. by its Proprietor,
No.176, Sirunallur Village,
Maduranthakam, Tamil Nadu 603 306.



8. M/s.Simplex Infrastructure Limited,
Rep. by its Manager,
Chennai 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 5th respondent relating to the impugned order vide Pa.Mu.No.1691/2016/A1 dated 10.06.2016 and quash the same as illegal, arbitrary and devoid of merit and consequentially direct the respondents 1 to 5 to take necessary criminal action as against the respondents 6 to 8.

For the Petitioner : Mr.K.M.Mrithun Jayan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for RR 1, 3, 4 and 5
: M/s.Shanmugavalli Sekar
Stdg. Counsel for R-2
Mr.T.N.Rajagopalan
for R-6
: R-7 not ready in notice
: R-8 Retd. as vacated

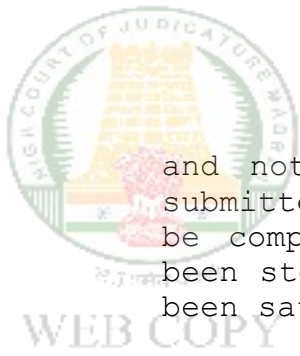
ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

By this writ petition, a challenge is made to the order dated 10.06.2016 with a further direction to respondent nos.1 to 5 to take necessary action against those indulged in illegal excavation of mineral.

2. A status report has been submitted by the learned State Government Pleader to show the action taken pursuant to the representation made by the petitioner. The status report shows not only stoppage of illegal excavation of mineral, but also the action taken to impose penalty against those who have indulged in excavation of mineral illegally.

3. So far as the order dated 10.06.2016 is concerned, it is said to be the No Objection Certificate issued for crushing unit



and not for operation of mining lease. In any case, it is submitted that the action initiated against the violators would be completed at the earliest and presently illegal mining has been stopped and hence, the prayer made in the writ petition has been satisfied.

4. We have considered the submission made by the learned counsel for the parties and find that the grievance raised by the petitioner has been redressed by the respondents. The action taken by the respondents have been given in the status report which shows not only stoppage of illegal mining, but an action taken against the violators who have indulged in excavation of the mineral. This also includes the action initiated to impose penalty and recovery of the amount of mineral excavated by the violators.

5. In view of the above, this writ petition is disposed of with a direction to the respondents not to allow illegal excavation of the mineral from the area in question and further to complete the action initiated against the violators as per the provisions of law as expeditiously as possible so that the amount of mineral as well as the penalty is recovered at the earliest. No costs. Consequently, W.M.P.Nos.25013 and 25016 of 2021 are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The District Collector,
Chengalpattu District,
Collector Office, GST Road,
Tamil Nadu - 603 001.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai 600 032.
3. The Director,
Directorate of Geology and Mining,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai 600 032.



4. The Revenue Divisional Officer,
Maduranthakam Taluk,
Tamil Nadu 603 306.

5. The Tahsildar,
Maduranthakam,
National Highway 38, Tamil Nadu 603 306.

+2ccs to Mr.K.M.Mrithun Jayan, Advocate, S.R.No.403

+1cc to M/s.Shanmugavalli Sekar, Advocate, S.R.No.398

+1cc to the Government Pleader, S.R.No.341

W.P.No.23756 of 2021

RLD(CO)
RLP(11/01/2022)