



W.P.No.29453 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29453 of 2022

K.Nagarajan

.. Petitioner

v.

1. The District Collector
Velippalayam
Annai Nagar
Nagapattinam 611 001
2. The Director
Department of Geology and Mining
Industrial Estate
Guindy
Chennai 600 032
3. The District Revenue Inspector
Velippalayam
Annai Nagar
Nagapattinam 611 001



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4. The Assistant Director
District Geology and Mining Department
Velippalayam
Annai Nagar
Nagapattinam 611 001

5. The Tahsildar
Nagai Salai
Vedaranyam Taluk
Nagapattinam District

6. The Superintendent of Police
Nagapattinam District
Nagapattinam

7. The Inspector of Police
Voimedu Police Station
Vedharanyam Taluk
Nagapattinam District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take action and prohibit illicit mining and theft of mineral silicon taking place in Nagapattinam District on the basis of the representations made by the petitioner dated 31.03.2022, 04.04.2022, 13.04.2022 and 10.09.2022, and in light of the enquiry report in Doc.No.2294 / 2022 dated 06.07.2022 submitted by the 5th respondent to the 4th respondent within a time stipulated by this Hon'ble Court and direct the respondents to conduct a preliminary investigation in other villages of Nagapattinam within a stipulated time.



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For Petitioner :: Ms.Preethi S.Arasu
For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R7

ORDER

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

This writ petition has been filed by Mr.K.Nagarajan seeking the following prayer:-

"To issue a writ of mandamus directing the 1st and 2nd respondents to take action and prohibit illicit mining and theft of mineral silicon taking place in Nagapattinam District on the basis of the representations made by the petitioner dated 31.03.2022, 04.04.2022, 13.04.2022 and 10.09.2022, and in light of the enquiry report in Doc.No.2294 / 2022 dated 06.07.2022 submitted by the 5th respondent to the 4th respondent within a time stipulated by this Hon'ble Court and direct the respondents to conduct a preliminary investigation in other villages of Nagapattinam within a stipulated



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time."

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2. Heard both sides.

3. When the matter was called on 08.11.2022, since the learned State Government Pleader appearing for the respondents, on written instructions, submitted that the petitioner has been extorting money from the quarry owners by threatening them, as a result three FIRs have been filed against him, we directed the learned State Government Pleader to produce the copies of the FIRs registered against the petitioner on the next date of hearing, after recording the statement made across the Bar that the respondents are taking efforts to stop illicit mining in Vanduvancherry, Vaamazhai Manakkadu and Thanikottagam Villages, Vedaranyam Taluk, Nagapattinam District.

4. Today, a status report from the Assistant Director, Geology and Mining, Nagapattinam dated 11.11.2022 has been produced by the learned State Government Pleader appearing for the respondents. A perusal of the



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same shows the criminal cases registered against the petitioner on the file of Voimedu Police Station, Nagapattinam, namely, in FIR No.127 of 2019 for the offence under Section 307 of IPC and in FIR No.31 of 2018 for the offence under Sections 294(b), 427, 506(2) of IPC for damaging the tubelight in Vinayagar Electric Store in Thanikottagam bazaar. Similar FIRs have also been filed against the petitioner's brother and others. The status report further shows that when totally 8 Silica mining leases have been granted in Vanduvancherri, Vadamalaimanakadu, Thagattur, Chettipulam and Thanikottagam Villages of Vedaranyam Taluk, all leases are non-operative since January, 2017 for want of environmental clearance and Silica mining activities have been curtailed in the district by the Taluk level and District level Task Force authorities. It is also seen that all the instructions mentioned in the G.O.Ms.No.135 Ind (MMA.1) Department dated 13.11.2009 and G.O.(Ms) No.170, Industries (MMC-2) Department dated 05.08.2022 have been complied strictly by the District Administration. The report further discloses that the District Level Task Force meetings are being conducted against the receipt of sand and other mineral oriented complaints from the



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public and prompt action is being taken by the Committee. Further the Taluk Level Task Force Committee meetings headed by the Tahsildars are being convened periodically and necessary instructions are being issued to the members to take immediate and stringent action for prevention of illegal transportation of minerals. The report further shows that from 2019 to 2022, 21 meetings have been convened by the District Level Task Force Committee on the dates mentioned therein and 24 meetings have been convened by the Taluk Level Task Force Committee on the dates and places mentioned therein. Paragraph-8 of the report also shows that as a serious measure, the enforcing authorities/field level officials are conducting periodical inspection and also seize the vehicles indulging in illegal transportation of minerals, apart from filing FIRs and booking the offenders under Goondas Act wherever necessary. In fact, the tabulation shows that the District Administration comprising of the Mines, Revenue and Police Departments have seized 1650 vehicles and collected a penalty of Rs.1,19,35,438/- from the offenders during the period from 01.04.2015 to 31.10.2022. In addition thereto, 1312 criminal cases have been registered apart from two under the



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5. Moreover, we find that the petitioner has come to the Court with unclean hands, as he has suffered two FIRs as mentioned earlier. Therefore, placing on record the status report dated 11.11.2022 stating that the District Administration is taking stringent action against the illegal quarrying and transportation of minerals through the enforcing authorities and necessary instructions are being issued by the District Collector to the members of the District Level and Taluk Level Committees to take immediate action for prevention of illegal mining and transportation of minerals, the writ petition stands dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

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Voimedu Police Station
Vedharanyam Taluk
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THE HON'BLE ACTING CHIEF JUSTICE
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