



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.31751 of 2019

&

W.M.P.No.3628 of 2020

1.K.Shanmugasundaram.
2.K.Krishnamurthy.

...Petitioners

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. Deputy Director,
Geology and Mining,
District Collectorate Campus,
Coimbatore.
3. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.42, T.S.N.R.College Road,
Peelmedu,
Coimbatore (South),
Coimbatore.
4. The Tahsildhar,
Pollachi,
Coimbatore District.
5. The Revenue Divisional Officer,
Pollachi,
Coimbatore District.

6.Balasubramanian.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to implement the order passed by the 1st respondent in



Na.Ka.560/Mines/2019 dated 22.08.2019 on the basis of the representation dated 05.08.2019 sent by us and to initiate appropriate action against the 6th respondent to cancel the Quarrying license lands in Ramapattinam Village in S.F.No.206/1 belonging to the 6th respondent herein within the time fixed by this Hon'ble Court and pass such further or other orders in the nature of writ as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners	: Mr.C.Veeraraghavan
For Respondents	: Mr.Vineet
For R1, R2, R4 & R5	: for Mr.B.Vijay AGP
For R6	: Mr.S.A.Sayed Shuhaibb
For R3	: Ms.Shanmugavalli Sekar

O R D E R

Heard Mr.C.Veeraraghavan, learned counsel for the petitioners, Mr.Vineet, learned counsel appearing for Mr.B.Vijay, learned Additional Government Pleader for respondent Nos. 1, 2, 4 & 5, Mr.S.A.Sayed Shuhaibb, learned counsel for the 6th respondent and Ms.Shanmugavalli Sekar, learned counsel for the 3rd respondent.

2. The petitioners seeks a mandamus, directing the 4th respondent, ie., the Tahsildhar, Pollachi, Coimbatore District to implement the order passed by the District Collector/R1 dated 22.08.2019.

3. The order of R1 as aforesaid has been passed on the basis of representation dated 05.08.2019 sent by the petitioner wherein he has alleged that the activities of mining by the 6th respondent in Ramapattinam Village in S.F.No.206/1 are illegal and being carried on without necessary approvals and sanctions.

4. A counter has been filed by the 1st respondent, wherein at paragraph 9, the District Collector refers to the enquiry and inspection report sent by R4 on the complaint of the petitioner under R.C.No.3465 of 2019 of B2 dated 04.12.2019. The report is to the following effect:-

"(i). At present the quarry work is being carried out by the lessee Thiru. P.Balasubramanian with the assistance of his son-in-law.

(ii). The blasting in the quarry area is being carried out by using permitted explosives by adopting latest NanaLED Technique.

(iii). There is no residential area, water bodies, rivers, temples; situated within 300 meters distance except the two cattle sheds of the writ



WEB COPY

petitioners. There is no evidence for broken rock pieces fell in the adjacent patta lands of the writ petitioners.

(iv). There is no water and dust pollution observed except the permitted level of sound emission while blasting. There is no dust deposits observed in the coconut plantation.

(v). For drilling holes for blasting, only five feet iron rods are used. There is no 50 feet blasting. The depth of the quarry is 40 feet.

(vi). There is no possibility for rock pieces to fly 500 meters distance.

(vii). There is no possibility for agricultural land getting affected by dust pollution.

(viii). There is no wells situated up to the distance of 100 meters and hence the question of water pollution does not arise.

(ix). There is no residential area situated nearby, the writ petitioner does not reside in the area and hence the question of health hazards does not arise.

(x). The quarry is not sub-let to anybody.

(xi). Finally the Tahsildar, Pollachi had stated that there is no hindrance to the agriculture, complaint petitioner, water bodies, cattle, general public and environment due to quarrying in the subject area and further stated that the complaint petition is considered to be given due to personnel enmity."

5. Thus, it is clear that the representation of the petitioner alleging that the activities carried on by R6 are illegal has been enquired into and the Tahsildar's report filed consequent upon the direction of R1, does not reveal any such illegal activity. With this, the grievance of the petitioner stands addressed.

6. In light of the discussion above and recording the stand of the respondents as aforesaid, this writ petition stands closed. Connected writ miscellaneous petition is also closed. No Costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar



nst/sl

To

WEB COPY

1. The District Collector,
Coimbatore District,
Coimbatore.
2. Deputy Director,
Geology and Mining,
District Collectorate Campus,
Coimbatore.
3. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.42, T.S.N.R.College Road, Peelmedu,
Coimbatore (South), Coimbatore.
4. The Tahsildhar,
Pollachi,
Coimbatore District.
5. The Revenue Divisional Officer,
Pollachi,
Coimbatore District.

+lcc to Mrs.Shanmugavalli Sekar, Advocate SR.No.23486
+lcc to M/s.Sayed Shuhaibb, Advocate SR.No.23130
+lcc to the Government Pleader, SR.No.23396

W.P.No.31751 of 2019

&

W.M.P.No.3628 of 2020

PL(CO)

CB(21/04/2022)