



W.P.No.32706 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32706 of 2022

M/s. G.S.Blue Metals
rep. by its partner
K.Shanmugasundaram
S.No.180/1C1
Ganapathipalayam Village
Kangayam Taluk
Tiruppur District

...Petitioner

Vs.

1.The District Collector
Tiruppur District

2.The Member Secretary
Joint Director
Tiruppur Local Planning Authority
Kumaran Complex
Tiruppur District

3.The Commissioner
Block Development Officer
Kangayam Panchayat Union
Kangayam Taluk
Tiruppur District

4.The President
Ganapathipalayam Village Panchayat
Kangayam Taluk
Tiruppur District

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus Forbearing the respondents from granting approvals for lay out of building within the radius of 500 meters from the quarry sites situated in S.F.Nos. 136/1B (P) 180/1B 180/1C1 181/1(P) and 181/5A(P) of Ganapathipalayam Village Kangayam Taluk Tiruppur and consequently direct the respondents to afford opportunity of hearing if any applications for approvals are received within prohibited distance mentioned in the above survey numbers by considering representation dated 22.04.2022.

For Petitioner : Mr.R.Prabakar

For Respondents : Mr.V.Nanmaran, AGP for R1 and 2

MR.B.Vijay, AGP for R3 and 4

ORDER

Writ petition is filed seeking a direction to forbear the respondents from granting approvals for lay out of building within the radius of 500 meters from the quarry sites situated in S.F.Nos. 136/1B (P) 180/1B 180/1C1 181/1(P) and 181/5A(P) of Ganapathipalayam Village Kangayam Taluk Tiruppur and consequently direct the respondents to afford opportunity of hearing if any applications for approvals are received within prohibited distance mentioned in the above survey numbers by



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considering representation dated 22.04.2022.

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2. The grievance of the petitioner is that he is an existing licensee and therefore according to him no development work should be permitted within the radius of 500 meters from the quarry sites. Learned counsel appearing for the petitioner would submit that now there is an attempt to grant permission within 500 meters. Therefore, seeks a direction.

3. I have perused the entire materials.

4. Learned counsel appearing for the respondents would submit that in 2018 itself planning permission has been granted. Writ Petition is filed only to prevent the development.

5. It is relevant to extract R.36 (1-A) (a) of the Tamilnadu Minor Mineral Concession Rules, 1959, which reads as follows:

*“ No lease shall be granted for quarrying
stone within 300 metres (three hundred metres)
from any inhabited site;*

Provided that the existing quarries which are



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subsisting under current leases shall be entitled for continuance till the expiry of the lease period. The lessees whose quarries lie within a radius of 300 metres from the inhabited site shall undertake blasting operations only after getting permission of the Director of Mines Safety, Oorgaum.

Provided further that the new and existing units of quarries shall also be required to comply with the Pollution Control Measures (i.e) dust control measures) besides complying with the other conditions in regard to Pollution Control Measures.

6. Perusal of the above rules makes it very clear that no lease shall be granted for quarrying within 300 meter from any inhabited site and if any quarrying lie within the radius of 300 meter from inhabited site shall undertake blasting operation only after getting permission of the Director of Mines Safety, Oorgaum.

7. In such view of the matter, what is prohibited is only license for quarrying within 300 meters. Merely on the basis of some existing quarry which is said to have been purchased from the predecessor in title, the petitioner cannot prevent the development within the 500 meters. According to the learned counsel for the respondents planning permission



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has been granted in the year 2018 itself. In such view of the matter blanket
mandamus cannot be granted.

Accordingly, the Writ Petition is dismissed. There shall be no order
as to costs.

06.12.2022

kpr
internet: Yes
speaking/non-speaking order

To

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Kumaran Complex
Tiruppur District

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N. SATHISH KUMAR, J.

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