



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.6490 of 2012

and

MP(MD)No.2 of 2012

Ayyasamy

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Additional Director,
Department of Geology and Mining,
Collector Office Campus,
Tirunelveli.

3.The Tahsildar,
Sivagiri Taluk
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records pertaining to the impugned proceedings of the first respondent in Na.Ka.No.M1/1807/2012, dated 04.04.2012 and published in the Tirunelveli District Gazette, dated 10.04.2012, insofar as Serial No.4 of the Schedule pertaining to Survey No.599 of Nelkattumseval, Sivagiri Taluk, Tirunelveli District and quash the same.

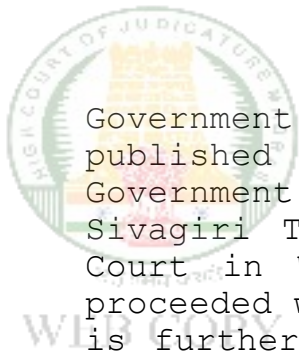
For Petitioner : Mr.R.Subramanian for R.J. Karthick

For Respondents : Mr.S.P.Karthick,
Government Advocate

ORDER

This writ petition is filed as against the proposed quarry operation in survey No.599 at Nelkattumseval, Sivagiri Taluk on the ground that the said quarry is nearby agricultural lands and it would affect the agricultural activities.

2.When this writ petition was taken up for hearing, the learned Government Advocate produced a letter in RC.No.M1/11526/2022 dated 31.03.2022 of the Assistant Director, Geology and Mining, Tenkasi, addressed to the learned Special



Government Pleader stating that earlier gazette notification was published in the year 2012 for leasing out rough stone quarries in Government Poramboke in S.F.No.599 of Nelkattumseval Village, Sivagiri Taluk and in view of the interim order passed by this Court in W.M.P(MD)No.2 of 2012, dated 03.05.2012, they have not proceeded with the public auction with regard to that land. 3.It is further stated that at present there is no proposal to conduct quarry operation and even if there is any proposal, the same would be done after ascertaining present suitability position for bringing the said area for tender cum auction, after ascertaining the current land availability, technical reports from the Assistant Director of Mines and also after satisfying all the conditions stipulated in Rule 36(1) of the Tamil Nadu Minor Mineral Concessions Rules, 1959.

4.In view of the stand taken by the Government that they are not intending to proceed further with the earlier gazette notification, dated 03.05.2012, this writ petition is closed as no further order is required to be passed. However, the petitioner is at liberty to renew this petition, if any quarry operation is proposed in SF.No.599, Nelkattumseval Village, Sivagiri Taluk.

5.It is needless to state that before conducting quarry operation, the respondents have to comply with the condition stipulated under Sections 36(1), 41 and 42 of the Tamil Nadu Minor Mineral Concessions Rules. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Additional Director,
Department of Geology and Mining,
Collector Office Campus,
Tirunelveli.



3.The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-16246[F] dated 04/04/2022)

WEB COPY

+1 CC to M/s.SPL GP (SR-16332[F] dated 04/04/2022)

W.P(MD)No.6490 of 2012
01.04.2022

SG(CO)
KB(20.04.2022) 3P 6C