



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2946 of 2022

S.Palanichamy

... Petitioner

Vs.

1.The District Collector,
Office of District Collectorate,
Karur District.

2.The Tahsildar,
Pugalur,
Karur District.

3.The Assistant Director,
Geology and Mining Department,
Karur.

4.Ekambaram
Proprietor of Sri Ganesh Murugan Blue Metals,
Karudayampalayam,
Pugalur Taluk,
Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to take necessary action against the fourth respondent illegal quarry operation carrying out in S.No.274/1 and 264/12 situated at Karudayampalayam Village, Pugalur Taluk, Karur District by considering the petitioner's representation dated 10.01.2022 within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondents 1 to 3 : Mr.P.Tilak Kumar
Government Pleader
For Respondent No.4 : Mr.S.Gokulraj

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to take necessary action against the fourth respondent for carrying on illegal quarry operation in S.No.274/1 and 264/12 situated at Karudayampalayam Village, Pugalur Taluk, Karur District by considering the petitioner's representation dated 10.01.2022, within a time frame fixed by this Court.



2.The case of the petitioner is that in the aforementioned property the fourth respondent has been granted quarrying license. However, in violation of the terms and conditions, the fourth respondent has been operating the quarry. In such circumstances, the petitioner has given a representation dated 10.01.2022 to the respondents 1 to 3, calling upon them to take action against the fourth respondent for doing illegal quarrying operation. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.J.Senthil Kumaraiah, learned counsel appearing for the petitioner, Mr.P.Tilak Kumar, learned Government Pleader who accepts notice on behalf of respondents 1 to 3 and Mr.S.Gokulraj, learned Counsel who accepts notice on behalf of the fourth respondent.

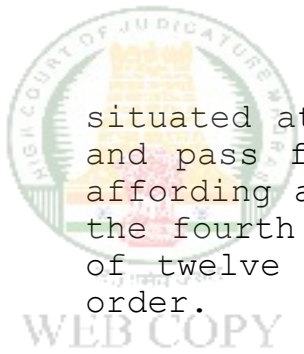
4.Learned Government Pleader on instructions would submit that immediately on receipt of the representation of the petitioner dated 10.01.2022, an investigation team was constituted and they inspected the place where the fourth respondent is carrying on quarrying operations based on a license granted to them. According to him, they found some minor irregularities but no report is made ready till date.

5.Learned Counsel for the fourth respondent submits that there is no illegality committed by the fourth respondent but it is only the petitioner who has constructed a building in the adjoining area in violation of the building plan. He would also submit that the petitioner is an erstwhile employee of the fourth respondent. According to him, only to harass the fourth respondent the representation has been given to the respondents 1 to 3 with regard to quarrying operation done by the fourth respondent in his premises.

6.All the aforementioned allegations and counter allegations can be considered only after the third respondent holds an enquiry on the petitioner's representation dated 10.01.2022.

7.No prejudice would be caused to the official respondents if the representation of the petitioner is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the fourth respondent and any other necessary party.

8.Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 10.01.2022 calling upon the third respondent to take necessary action against the fourth respondent for the alleged illegal quarrying operation carried out by the fourth respondent in S.No.274/1 and 264/12



situated at Karudayampalayam Village, Pugalur Taluk, Karur District and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the fourth respondent and any other necessary party within a period of twelve [12] weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ / 2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Collector,
Office of District Collectorate,
Karur District.

2. The Tahsildar,
Pugalur,
Karur District.

3. The Assistant Director,
Geology and Mining Department,
Karur.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-6365[F] dated 16/02/2022)

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-6282[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6506[F] dated 16/02/2022)

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