



W.P.(MD)No.17836 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

**W.P.(MD)No.17836 of 2022 and
WMP(MD) No.13025 of 2022**

Ramasamy

: Petitioner

Vs.

1.The Director,
Directorate of Mines and Geology
Alandur Road, Guindy Industrial Estate
Guindy, Chennai 600 032

2.The District Collector
Pudukottai
Pudukottai District

3.The Assistant Director,
Mines and Geology Department
District Collector Office Campus
Pudukottai District

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai, Pudukottai District



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5.The Tahsildar,
Thirumayam Taluk Office
Pudukottai District

6.The Revenue Inspector
Kottur Revenue Office, Kottur,
Thirumayam Taluk
Pudukottai District

7.The Revenue Inspector
Virachilai Bit-I
Panayapatti Revenue Office,
Thirumayam Taluk
Pudukottai District 622 003

8.The Village Administrative Officer,
Village Administrative Officer,
Lembalakudi Village
Thirumayam Taluk
Pudukottai District

9.The Village Administrative Officer,
Village Administrative Office,
Virachilai Bit I Village
Pudukottai District

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents No. 1 to 9 to consider petitioner's representation and objections dated 29.07.2022 and not to issue stone quarry permission in Survey numbers : 425/1, 425/6, 425/7, 425/8, 425/31B, 425/32 and 425/33B at Lembalakudi Village, Thirumayam Taluk, Pudukottai District and Survey No.995/1A, 995/1B at Virachilai Bit I, Thirumayam Taluk, Pudukottai District within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.Henri Tiphagne for
Mr.R.Karunanidhi
For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Alleging that the respondents 1 to 9 are likely to give quarry license for certain survey numbers in Lembalakudi Village Bit I Village, the petitioner gave a representation dated 29.07.2022 and has followed it up by filing the present public interest litigation for a direction to respondents 1 to 9 not to grant the quarry license. The petitioner fairly disclosed in the affidavit the fact that, earlier he had filed a public interest litigation in W.P.(MD) No.13742 of 2022 for a similar direction, which was dismissed by this Court on 30.06.2022 with the following observations:

“2.It is seen that the Revenue Inspector had issued a notice in Form A1, calling for objections, if any, for the grant of quarry license to the aforesaid two persons. While that being so, the petitioner should have responded to the notice by giving their objections and urging the matter before the appropriate authorities. That



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has not been done. That apart, the said Revenue Inspector, Kottur Range, Thirumayam Taluk, is not even a party before us.

3.In such view of the matter, this writ petition is dismissed as being devoid of merits. No costs. Consequently connected Miscellaneous Petition is closed.”

Thereafter the petitioner gave the representation dated 29.07.2022 and has filed the present public interest litigation.

2. Today, Mr.K.Vijayaraghavan, Assistant Director, Department of Geology and Mining, Pudukottai, (third respondent) is present.

3. The third respondent has filed a report dated 18.08.2022, wherein, it is stated as follows:

“2.I respectfully submit that the writ petitioner filed this writ petition with prayer to directing the respondents no.1 to 9 to consider his representation dated 29.07.2022 and not to issue stone quarry permission in survey No.425/1, 425/6, 425/7, 425/8, 425/31B, 425/32, 425/33B at Lembalakudi Village and in Survey No. 995/1A, 995/1B at Virachilai bit – I of Thirumayam



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Taluk, Pudukottai District within a stipulated time that may be fixed by this Hon'ble Court.

3.I respectfully submit that there are 3 applications were received from individuals for grant of rough stone quarry in Lembalakudi Village, the details and present status of the applications are tabulated as below:

Sl.No.	Name of the applicant	S.F.No.	Recommendation of RDO	Date on which precise area communicated	Present status
1	Thiru.Ravi S/o.Sokkalingam Theradi street Virachilai I Bit, Date of application 25/02/2022	425/6 (1.22.50) 425/7 (0.16.0) 425/8 (0.15.0) Total extent 53.50	Land availability report received vide RDO letter No.RC No.A3/1449/22 dated 09.04.2022	15.05.2022	Pending with SEIAA
2	Thiru Adaikalamkathan S/o.Dhanuskodi Virachilai I Bit Date of Application 25/02/2022	145/1(P) (1.75.0) Total Ext:2.94.0	Report awaited from RDO Pudukottai	-	-
3	Tmt.Selvarani W/o.Murugan V.Lakshmipuram Neikonam Date of Application 29/10/2020	425/14A1 (0.38.0) 425/32 (1.12.50) total Ext: 1.50.50	Land availability report received vide RDO letter No.A3/5903/20 dated 12.02.2021	06.08.2021	Pending with SEIAA

4. I submit that there are 2 applications were received from individuals for grant of rough stone quarry in Virachilai bit – I village the details and the present



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status of the applications are tabulated as below:

Sl.No.	Name of the applicant	S.F.No.	Recommendation of RDO	Date on which precise area communicated	Present status
1	Thiru.Karuppaiah S/o.Ramaiya Devar Arasamarathu Street Virachilai I Bit date of application 30/06/2020	995/1A (0.80.0)	Land availability report received vide RDO letter No.RC No.A3/3145/20 dated 03.09.2020	03.01.2022	Pending with SEIAA
2	Thiru. Nallaiya S/o.Vellaisamy Vadaku Street V.Lakshmipuram Neikonam Date of Application 21/02/2022	995/1 B(P) 0.81.0 Total Extent 1.61.50	Land availability report received vide RDO letter No.RC No.A3/1376/22 dated 10.03.2022	04.04.2022	Pending with SEIAA

5.I respectfully submit that on receipt of environment clearance obtained from State Government impact Assessment Authority (SEIAA), Tamil Nadu and consent of the Tamil Nadu Pollution Control Board, necessary permissions would be granted in favor of the applicant for quarrying mineral subject to the order passed by the Hon'ble this Court in this subject writ petition. The date of commencement of the lease period is the date on which the lease deed is executed.”

4. The learned counsel for the petitioner contended that the petitioner had sent his objections dated 05.05.2022 in response to the A1 notice that was issued by the Revenue Inspector, Thirumayam Taluk.



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However, a reading of the A1 notice that has been enclosed in Page No. 22 of the typed set of papers shows that the said notice is dated 13.03.2022 and public were given an opportunity to submit their objections within 15 days thereof. Whereas the petitioner has admittedly sent her objections only on 05.05.2022.

5. The learned Government Pleader submitted that in respect of the application of Thiru.Ravi, Tmt.Selvarani, Thiru.Karuppiah and Thiru.Annaiya, A1 notices were issued by the revenue authorities and since no objections were received, the Revenue Divisional Officer had submitted his reports to the District Collector and thereafter, their applications have been referred to State Environment Impact Assessment Authority (SEIAA) and the same is under consideration.

6. As regards the application of Adaikalanathan, the learned Government Pleader submitted that after the issuance of A1 notice by the revenue authorities, the petitioner has objected to grant of quarry license and therefore, the Revenue Divisional Officer has not sent the application to the SEIAA.



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7. The learned counsel for the petitioner contended that the objections dated 05.05.2022 and 29.07.2022 should have to be considered by the revenue authorities afresh. In our opinion, when a particular time period was fixed for receipt of objections and if objections were not given, it will not be open to this Court to direct the authorities to consider such objections. The learned Government Pleader submitted that even after SEIAA gives clearance, the application would be referred to the State Pollution Control Board and only thereafter, a decision would be taken either to grant or not to grant the license to the applicants. Thus, so far, no quarry license has been granted to anyone and the matter is still under consideration with the authorities. Hence, we find no merit in this petition and the same is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

[P.N.P., J.] & [R.H., J.]
18.08.2022

Internet : Yes
RR



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- 6.The Revenue Inspector
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P.N.PRAKASH, J
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R.HEMALATHA, J

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Order made in
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