



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21106 of 2022

C.Velmurugan

..Petitioner

Vs

- 1.The District Collector,
Collector Office Campus,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The Deputy Director,
Mines and Minerals Department,
Collector Office Campus,
Virudhunagar District.
- 4.M.Karthickraj

Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to conduct the inspection to the stone quarry situated at Duraisampuram, Sivakasi Taluk, Virudhunagar District run by the fourth respondent within the time frame fixed by this Court in the light of the proceeding in Oo.Mu.Ka.Ve.3/337/2022, dated 6.4.2022 issued by the third respondent.

For Petitioner : Mr.B.Muthukannan



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For Respondents : Mr.R.Baskaran
1 to 3 Addl.Advocate General
assisted by
Mr.S.Shanmugavel
Addl.Govt.Pleader

For Respondent-4 : Mr.C.Jeganathan

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to conduct the inspection to the stone quarry situated at Duraisampuram, Sivakasi Taluk, Virudhunagar District run by the fourth respondent within the time frame fixed by this Court in the light of the proceedings in Oo.Mu.Ka.Ve. 3/337/2022, dated 6.4.2022 issued by the third respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the petitioner is that the Petitioner is having cultivating land measuring an extent of 3 acres and 8 cents in S.No. 1587/1, situated at Duraisampuram, Sivakasi Taluk, Virudhunagar District and patta for the said property was issued by the Tahsildar, Sivakasi to the Petitioner's father Chinnirulan. Further, the Petitioner is living with his father, mother, brother and sisters and they have jointly cultivating ground nuts and dry plants in the said property.The fourth respondent is



running a stone quarry adjacent to the Petitioner's property in the name and style of 'M/s.C.M.S.Blue Metals', which is situated in and around the Sayalkudi river bed, Puliyankulam tank and cultivating lands. The fourth respondent with his muscle power extract the river sand from the Sayalkudi river and soil from Puliyankulam tank and red soil from the cultivating land. Since the fourth respondent had also quarried to a depth of 10 feet in the Petitioner's patta land, the Petitioner requested him several times to stop the same. In this connection, the Maraneri Police Station registered a criminal case in Cr.No.104 of 2018 against the fourth respondent for the offence under Sections 447 and 379 of IPC. Further, the quarried stones scattered on many places and hence, the Petitioner is unable to cultivate the land. Unable to tolerate the same, the Petitioner has sent a detailed representaiton to the first respondent on 14.3.2022 to cancel the licence granted to the fourth respondent to run the stone quarry and the same was forwarded to the third respondent, for further action. In response to the same, the third respondent issued a reply on 6.4.2022 stating that he has taken steps to inspect the quarry and if any irregularities found, necessary steps will be taken for cancelling the quarrying license. On the same day, inspection was done and for about four months, the third respondent has not taken any steps based on the above reply and the irregularities are still continuing. Hence the Petitioner has filed this Writ Petition for the relief stated supra.



4.This Court by order, dated 17.10.2022, states that pursuant to the order passed by this Court, dated 9.9.2022, the first respondent/The District Collector vide his proceedings, dated 21.09.2022 directed the Sub-Collector, Sivakasi to conduct an inspection and give a report immediately. The Sub-Collector Sivakasi has not chosen to give the report before the said date. As this Court has already given sufficient time to file the report, the authorities have not acted upon the direction of this Court and the said report has not been produced before this Court today. Hence this Court directs the authorities concerned to place the said report before this Court on or before 2.11.2022, failing which, cost will be imposed on them. When the case is posted on 10.11.2022, the authorities have not filed any report stating that due to rain they could not inspect the property in question and no statistics regarding the rain from 17.10.2022 to 2.11.2022 filed before this Court and the Special Revenue Inspector appeared before this Court and simply stated that they could not visit the spot and only on 9.11.2022, they visited the spot and still it is raining and hence adjourned the case to 16.11.2022 to file a report.

5.When the matter is taken up for hearing today the first respondent filed a status report, dated 14.11.2022 and among other things, it is stated that no reports being received from the Taluk Level Task Force constituted under G.O.(Ms)No.135, Industries(MMA-1)

Department, dated 13.11.2022 regarding the alleged illegal quarrying of



red soil and silt from the river bed in Sayalkudi and from the tank at Puliyangulam by the fourth respondent. The said task force is directed to keep vigil in the aforesaid areas among the other vulnerable areas of the Taluk to curb the illegal mining, if any and requested this Court to accept the status report for the reason that due to the multi-farious activities of the respondents like monsoon rain, VIP visits and etc. Further, the respondents submitted that no damages was caused to the Petitioner's property and that no recent quarrying activities are carried out by the fourth. The Petitioner further complained that the stones have scattered from the quarrying cite of the fourth respondent. A perusal of the photographs would show that the petitioner's land is of such type which consists of small stones by its nature. Further the Petitioner has also given police complaint in this regard and the police authorities shall proceed against the fourth respondent in the manner known to law and further investigate the matter and conclude the same by taking appropriate action against the fourth respondent, if found guilty. Further the photographs produced before this Court would show that there is no recent quarrying and the Petitioner has cultivated maize and cotton crops in his land.

6. In view of the above situation, if the Petitioner has any further grievance regarding the quarrying activities of the fourth respondent, the

Petitioner can approach the revenue authorities by way of fresh



representation, if so desired and redress his grievance in the manner known to law. Further, the Petitioner's complaint against the fourth respondent in this regard is directed to be proceeded with by the concerned Police, conclude the same and take appropriate action against the fourth respondent, if there is any irregularities or disturbance to the adjacent land owners including the Petitioner.

7. With the above directions and observations, the Writ Petition stands disposed of. No costs.

18.11.2022

Index : Yes/No

Internet: Yes/No

vsn

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V.BHAVANI SUBBAROYAN,J
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ORDER MADE IN
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