



W.P.(MD).No.23227 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.23227 of 2022

and

W.M.P.(MD).No.17321 of 2022

P.M.Harish

... Petitioner

vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Joint Director,
Town and Country Planning South,
By-pass Road,
Tirunelveli.
- 3.The Block Development Officer,
Ambasamuthiram,
Tirunelveli.
- 4.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.
- 5.The District Environment Engineer,
Pollution Control Board,
30/2, Siddco Industrial Estate,
Pettai,
Tirunelveli District.

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6.The Executive Officer,
Mannarkovil Panchayat,
Tirunelveli District.

7.The President,
Mannarkovil Panchayat,
Ambasamuthiram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2, 3, 6 and 7 from providing any plan approval in the prohibited area where quarrying and crushing operation going on in S.Nos.322, 328, 329/1, 329/2A, 329/2B, 317/2, 319/3, 320/1, 320/3 at Mannarkovil Village, Ambasamuthiram Taluk, Tirunelveli District, vide the petitioner's representation, dated 28.01.2022.

For Petitioner : Mr.D.Saravanan

For R1, R2 & R4 : Mr.D.Gandhiraj

Special Government Pleader

For R3, R6 & R7 : Mr.A.Kannan

Additional Government Pleader

For R5 : Mrs.Vijayakumari Natarajan



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 2, 3, 6 and 7 from providing any plan approval in the prohibited area where quarrying and crushing operation going on in S.Nos.322, 328, 329/1, 329/2A, 329/2B, 317/2, 319/3, 320/1, 320/3 at Mannarkovil Village, Ambasamuthiram Taluk, Tirunelveli District, vide the petitioner's representation, dated 28.01.2022.

2. The case of the petitioner is that he is the Managing Partner of a crusher unit in the name and style of “Himalaya Mineral Processors” with license to store and transport crushed minerals under license Reg.No.TN-TN/22692/2018 valid till 11.06.2025. He has obtained necessary orders of environmental clearance under Section 25 of Water Prevention and Control of Pollution Act, 1974. The said certificate issued by the Pollution Control Board is still in force. The crusher unit should be located 500 mtrs. away from the house sites vide B.P.Nos.8 and 21 of Pollution Control Proceedings and the plan approval authorities are

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strictly prohibited to provide house site approvals within 500 sq.mtr. of the existence of crusher of quarry premises. The respondents 2, 3, 6 and 7 are illegally providing plan approval for house sites within the vicinity of the crusher premises especially in S.No.322, which is highly dangerous to the public life. Hence, the petitioner has made a representation dated 28.01.2022, to the second respondent. The second respondent acted upon the same and send a communication to the respondents 3, 6 and 7 on 29.03.2022. But till now the said respondents did not act upon his complaint and giving plan approval, which may cause serious danger to the livelihood. Hence, the present writ petition has been filed.

3. The learned Special Government Pleader appearing for the respondents 1, 2 and 4 would submit that no such plan approval has been issued to any person and reply has also been given to the petitioner's complaint dated 12.03.2022, in the month of April 2022.

4. Considering the above said submission, this Court is of the view that the prayer sought for by the petitioner is premature one. Hence, this



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Writ Petition is dismissed. No costs. Consequently, the connected
Miscellaneous Petition is closed.

28.11.2022

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To

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- 5.The District Environment Engineer,
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V.BHAVANI SUBBAROYAN,J.

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