



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25326 of 2022
and
W.M.P(MD)No.19415 of 2022

R.Elavarasan

..Petitioner

Vs

- 1.The Director of Geology and Mining,
Office of the Director of Geology and Mining,
Alandur Road,
Guindy Industrial Estate,
Guindy, Chennai -32.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Collectorate Campus,
Madurai.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai,
Madurai District.
- 5.The Tahsildar,
Vadipatti Taluk,
Madurai District.
- 6.U.Chelladurai.
- 7.U.Raja Mohammed

..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 5 to initiate appropriate action against the respondents 6 and 7 under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 for the unauthorized removal of 1,43,800 cubic meters of Gravel from the lands in S.Nos.25/2, 25/4D, 25/6F, 24/1, 24/8, 24/9A, 24/9B, 24/9C, 24/9D, 26/5 and 26/7 at Vavidamaruthur Village, Vadipatti Taluk, Madurai District by considering the Petitioner's representation, dated 31.10.2022 within the time frame stipulated by this Court.

For Petitioner :Mr.T.Lajapathi Roy

For Respondents:Mr.M.Senthil Ayyanar
1 to 5 Government Advocate

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to initiate appropriate action against the respondents 6 and 7 under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 for the unauthorized removal of 1,43,800 cubic meters of Gravel from the lands in S.Nos.25/2, 25/4D, 25/6F, 24/1, 24/8, 24/9A, 24/9B, 24/9C, 24/9D, 26/5 and 26/7 at Vavidamaruthur Village, Vadipatti Taluk, Madurai District by considering the Petitioner's representation, dated 31.10.2022 within the time frame stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused



3.The case of the Petitioner is that the Petitioner is the owner of the petition mentioned properties and he is a cultivating tenant in respect of some properties measuring an extent of 1.97.5 hectares and quarry lease was granted to the sixth respondent in respect of the above properties by the District Collector on 6.2.2013 and the lease period was over by 13.2.2015. However, the sixth respondent continued the quarrying operation by quarrying even beyond the permitted length of deepness and also beyond the lease period. In this regard, the Petitioner has given a representation, dated 27.4.2021. Since the same was not acted upon, the Petitioner has filed a Writ Petition to direct the respondents 1 to 5 therein to initiate appropriate action against the respondents 6 and 7 for illegal mining in the prayer mentioned properties and this Court by order dated 12.8.2021, after narrating the facts, adjourned the case to 24.8.2021 for filing report by the official respondents with regard to the illegal mining done by the respondents 6 and 7. The District collector had filed a counter affidavit that on 22.7.2021 an inspection was conducted by the officials, wherein, it is revealed that the sixth respondent has quarried 11,43,800 cubic meter or 47933 units of gravel from the said lands in question and quarried over an extent of 3.59.5 hectares, though he had been given permission for quarrying only in 1.97.5 hectares. Based on the same a communication has been given on 27.7.2021 to the third respondent to take appropriate action under the provisions of the

Tamil Nadu Mines and Mineral Concession Rules, 1959 and the above Writ



Petition was disposed of recording the stand of the official respondents in the counter with a further direction to the official respondents to proceed further in accordance with law. Thereafter the fourth respondent by proceedings, dated 19.1.2022 imposed penalty on the respondents 6 and 7 under Rule 36-A of the above rules to the tune of Rs.2,77,53,400/- and Rs.1,38,76,700 respectively to the respondents 6 and 7 for the illegal mining done by them. The same was challenged by the seventh respondent in W.P(MD)No.2833 of 2022 for quashing the above order and the same was disposed of at the admission stage itself stating that there is violation of principles of natural justice in passing the impugned order and quashed the impugned order with a further direction to issue notice to the Petitioner and sixth respondent and to pass orders on merits and in accordance with law. Thereafter no action was taken by the fourth respondent, however, the respondents 6 and 7 have done illegal mining as before. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4. The learned Government Advocate appearing for the respondents 1 to 5 produced a Enquiry notice, dated 25.7.2022, in which, it is stated that as per order made in W.P(MD)No.2833 of 2022, notice was sent to the Petitioner and respondents 6 and 7 for an enquiry on 22.7.2022, but there was no appearance on behalf of them and hence, as a last chance enquiry was postponed to 5.8.2022 at 11.00 a.m and directed the



respondents 6 and 7 to appear for the enquiry without fail on that date. The learned Government Advocate would submit that they will complete the said enquiry and pass appropriate orders within a period of eight weeks.

5. On a perusal of the above facts, this Court is of the view that the respondents 6 and 7 as per the orders of this Court did not appear before the authorities for enquiry as mentioned above and hence, this Court, as a last chance, directs the respondents 6 and 7 to appear before the authorities concerned for enquiry on 2.12.2022 at 11.00 a.m without fail. On such appearance, the fourth respondent is directed to complete the enquiry with the Petitioner and respondents 6 and 7 and others, if any and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.11.2022

Index : Yes/No

Internet: Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



To

1. The Director of Geology and Mining,
Office of the Director of Geology and Mining,
Alandur Road,
Guindy Industrial Estate,
Guindy, Chennai -32.
2. The District Collector,
Madurai District,
Madurai.
3. The Assistant Director of Geology and Mining,
Office of the Assistant Director of Geology and Mining,
Collectorate Campus,
Madurai.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai,
Madurai District.
5. The Tahsildar,
Vadipatti Taluk,
Madurai District.



WEB COPY



7

V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

W.P(MD)No.25326 of 2022
and
W.M.P(MD)No.19415 of 2022

16.11.2022



WEB COPY





WEB COPY





WEB COPY





WEB COPY





WEB COPY

