



W.P(MD)No.28073 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28073 of 2022

and

W.M.P.(MD)Nos.22153, 22154 & 22552 of 2022

SP.Udaiyappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Assistant Director of Geology and Mining,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.M.Manikandan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No. 132/Kanimam/2018, dated 14.11.2022 and quash the same as illegal, malicious and arbitrary.



W.P(MD)No.28073 of 2022

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader for R1 to R3

: Mr.K.Govindarajan
for Mr.T.Palanisamy for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the permission granted by the second respondent in favour of the fourth respondent to remove gravel. The Writ Petition has been filed primarily on two grounds.

(I) Though the impugned order reads that consent from Udaiyappan has been obtained, he has not actually given any consent.

(II) The quarry site is immediately adjacent to the petitioner's agricultural land and if quarrying is allowed to be conducted, the petitioner cannot carry on with his agricultural activities.

3. The learned counsel appearing for the fourth respondent clarifies that there is more than one person by name Udaiyappan and that it is possible that the impugned order refers to another Udaiyappan. Be that as it may, the fourth respondent has been given permission to quarry gravel only in Survey No.107/2



W.P(MD)No.28073 of 2022

and 108/5. Udaiyappan is owning the lands in Survey No.116/1b. A mere look at FMB would indicate that Survey No.116 is separated by atleast one Survey number from the quarry site. In any event, to address the concerns of the writ petitioner, it is directed that the fourth respondent shall not carry on quarrying activities within a prohibited distance of 22 feet from that of the petitioner's agricultural field.

4. With this clarification, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The District Collector,
Sivagangai District.
- 2.The Assistant Director of Geology and Mining,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



WEB COPY



W.P(MD)No.28073 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.28073 of 2022

22.12.2022