



W.P.No.1021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.1021 of 2023

K.R.Muthukrishnan

...Petitioner

Vs.

1.The Secretary to Government
Industries, IP & C Department
Secretariat
Chennai-600 009

2.The Commissioner of Geology and Mining
Guindy Industrial Estate
Chennai-600 032

3.The Director
Town and Country Planning Department
No.807, CMBT
Chennai-600 107

4.The District Collector
Namakkal District
Namakkal

5.The Assistant Director
Geology and Mines
Collectorate
Namakkal



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6.The Assistant Director
Town and Country Planning
Namakkal

7.The Revenue Divisional Officer
Tiruchengode
Namakkal

8.The Revenue Tahsildar
Komarapalayam Taluk
Namakkal District

9.The Block Development Officer
Komarapalayam
Namakkal District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 3 to 9 to prevent the forming of unauthorized layout in S.F.Nos.196/6,187/7B,8B,5A, 6A,7A,8A and 187 situated in Padaiveedu village, Komarapalayam Taluk, Namakkal District by considering petitioner representations dated 11.08.2021,09.11,.2021,11.03.2022 and 20.08.2022.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mrs.R.Anitha, Spl.G.P for R1 to 8

Mr.B.Vijay, AGP for R9

ORDER

Writ Petition has been filed praying to issue a Writ of mandamus directing the respondents 3 to 9 to prevent the forming of unauthorized

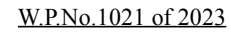


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layout in S.F.Nos.196/6,187/7B,8B,5A, 6A,7A,8A and 187 situated in Padaiveedu village, Komarapalayam Taluk, Namakkal District by considering petitioner representations dated 11.08.2021,09.11,.2021,11.03.2022 and 20.08.2022.

2. Though the relief is sought for prevent the forming of unauthorized layout, learned counsel appearing for the petitioner would submit that if the representation is considered it would suffice. It is the contention of the learned counsel for the petitioner that the petitioner is granted mining lease for the period of 20 years in the year 2002. Now as per the amended act Sub Clause8(A) lease is deemed to be continued for a period of 50 years. When the matter stood thus, layout has been formed within the prohibited area.

3. Mrs.R.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 8 and would submit that the technical approval was granted after inspecting the site on 01.12.2021. The Executive Officer in his Roc.No.2984 of 2021 dated 10.11.2021 certified that after inspecting the quarry mentioned is not in use for several years and it is surrounder



4. Having considered the above, this Court is of the view that when the quarry itself is not in use for many years and environment clearance is also not obtained, there cannot be any vested right for the petitioner to prevent the forming of layout.

In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

19.01.2023

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Internet:Yes
Speaking/non-speaking order



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Komarapalayam
Namakkal District.

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N. SATHISH KUMAR, J.

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