



WEB COPY

W.P.No.9917 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.9917 of 2023

and

W.M.P.No.9964 of 2023

Rathinamoorthi

.. Petitioner

Vs.

1.The District Collector,
Tiruppur,
Tiruppur District.

2.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.

3.The State Level Environment
Impact Assessment Authority – Tamilnadu,
Rep. by its Member Secretary,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.

4.S.Sivaraj

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of

India, praying for issuance of a Writ of Mandamus, directing the



W.P.No.9917 of 2023

respondents 1 to 3 not to issue the clearance / License / Consent for operating the proposed quarry of the 4th respondent comprised in S.F.No: 528 1 B, Myvadi Village, Madathukulam Taluk, Tiruppur District by considering the petitioner's representation dated 11.01.2023.

For Petitioner	: Mr.R.Kannan
For R1	: Mr.E.Vijay Anand Additional Government Pleader
For R2	: Ms.Shanmugavalli Sekar Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 to 3 not to issue the clearance / License / Consent for operating the proposed quarry of the 4th respondent comprised in S.F.No: 528 1 B, Myvadi Village, Madathukulam Taluk, Tiruppur District, by considering the petitioner's representation dated 11.01.2023.

2.By consent of the learned counsel appearing for the petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader, who takes



notice for the 1st respondent and Ms. Shanmugavalli Sekar, learned Standing Counsel, who takes notice for 2nd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is residing in S.F.No.528 1 B, Myvadi Village, Madathukulam Taluk, Tiruppur District and his ancestral property / agricultural lands are comprised in S.F.No.528 1A and 528/4, bearing Patta No.160, situated at Myvadi, Madathukulam Taluk, Tiruppur District. His agricultural land is situated very next to the 4th respondent's land and both the lands are agricultural ayacut lands irrigated by the PAP canal water. The petitioner decided to construct a house in his agricultural land and obtained planning approval vide Approval No.32/2022/2023, dated 04.01.2023. While so, the 4th respondent also applied for quarry license and construction of crusher unit on a massive scale and the land in which the 4th respondent is planning to operate quarry situated in Survey No.S.F.No: 528 1B, which lies east to petitioner's agricultural land. Further, the high-tension power line near the 4th respondent's land may also be short-circuited due to blasting of stones. The blasting of stones will cause great life threat and will cause huge trouble to the petitioner's house, which is situated within 300



metres from the quarry. Hence, the petitioner sent representation dated 11.01.2023 to the respondents 1 to 3 not to issue the clearance / license / consent for operating the proposed quarry of the 4th respondent. Since, no order has been passed on the said representation dated 11.01.2023, the petitioner has come out with the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent and perused the entire materials on record.

5.Considering the above submissions made by the learned counsel appearing for the parties, the petitioner is directed to give a fresh representation to the respondents 1 to 3, within a period of two weeks from the date of receipt of a copy of this order and if any such representation is given by the petitioner within two weeks, the respondents 1 to 3 are directed to consider the same and pass orders on merits and in accordance with law, after giving opportunity of personal hearing to the petitioner and 4th respondent within a period of four weeks thereafter.



WEB COPY

W.P.No.9917 of 2023



6.With the above directions, the Writ Petition is disposed of.

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

(V.M.V., J) (V.L.N., J)
30.03.2023

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Tiruppur District.
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and

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