



W.P.No.4779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.4779 of 2023
and W.M.P.Nos.4787, 4788 & 13337 of 2023

R.Ganesh

... Petitioner

Vs.

1. The Government of India,
Represented by its Secretary,
Ministry of Finance,
Shastri Bhavan,
New Delhi.
2. The Government of India,
Represented by its Secretary,
Ministry of Environment, Forest and Climate Change,
Shastri Bhavan,
New Delhi.
3. The Additional Chief Secretary,
Department of Environmental Climate change and Forest,
Secretariat, Chennai.



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4. The Director,
Department of Environmental Climate Change and Forest,
Ground Floor, Panagal Maligai,
1-Jennis road, Saidapet,
Chennai-600015.
5. The Chairperson,
State Environmental Impact Assessment Authority (SEIAA),
3rd Floor, Panagal Maligai,
1-Jennis road, Saidapet,
Chennai-600015.
6. The District Collector,
Office of the Collectorate,
Ariyalur, Ariyalur District.
7. The Chairperson,
District Environmental Impact Assessment Authority
(DEIAA),
Office of the Collectorate,
Ariyalur, Ariyalur District.
8. The Revenue Divisional Officer,
Udayarpalayam, Revenue Division,
Udayarpalayam, Ariyalur District.
9. The Deputy Collector,
Geology and Mining,
Office of the Collectorate,
Ariyalur, Ariyalur District.
10. The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur, Ariyalur District.



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11. The District Forest Officer,
Forest Office,
Office of the Collectorate,
Ariyalur, Ariyalur District.

12. The Tahsildar,
Taluk Office,
Andimadam Taluk,
Ariyalur District.

13. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

14.R.Vikramathithan

15.V.Kavitha

16.Vijayakandeepan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned lease orders in Rc.No.229/G&M/2018 dated 13.12.2021 and Rc.No.317/G&M/2018 dated 15.12.2021 issued by the 6th respondent in favor of the 16th respondent quash the same and consequently, direct the respondents to restore the same as fit for cultivation, and initiate criminal proceedings against the 14th and 16th respondents. Further to direct the respondents not to issue mining leases on private land



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for commercial purposes, and consider the petitioner's representation dated 02.01.2023 and 18.01.2023.

For Petitioner : Mr.R.Selvakkodi

For Respondents : Mr.S.Diwakar,
Senior Panel Counsel for Central Govt
for R1 & R2.

: Mr.P.Sathish,
Additional Government Pleader
for R3 to R13.

: Mrs.Sharada Vivek
for Mr.G.Paramasivam for R14 to R16

ORDER

This Writ Petition has been filed assailing the impugned lease orders issued by the 6th respondent in favour of the 16th respondent and for a direction to the respondents to restore the lands which were leased out by the 6th respondent for the purpose of cultivation and to initiate criminal proceedings against the respondents 14 to 16.

2. The grievance of the petitioner is that lease for quarrying gravel has been granted to private respondents/respondents 14 to 16 in



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respect of some agricultural lands which are used by the villagers for the purpose of cultivation. Objecting the same, the petitioner made a representation to the respondent authorities. However, the said representation is still pending consideration. Hence, the petitioner has come up with this Writ Petition challenging the lease orders of the 6th respondent in favour of the private respondents.

3. When the matter is taken up, learned counsel for the petitioner fairly conceded that as against the impugned lease orders of the District Collector, there is an appeal remedy available before the Director of Geology and Mining under Section 36-C(i) of the Tamil Nadu Minor Minerals Concession Rules, 1959. However, the said Authority is not a party to this Writ Petition. Hence, liberty may be granted to the petitioner to file an appeal before the Director of Geology and Mining.

4. Learned Additional Government Pleader appearing for the respondents has no serious objections to the said order being passed.



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5. In view of the appeal remedy available under Section 36-C(i) of the Tamil Nadu Minor Minerals Concession Rules, 1959, liberty is granted to the petitioner to file an appeal before the Director of Geology and Mining, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed, the Director of Geology and Mining is directed to pass appropriate orders on the same, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks thereafter.

6. This Writ Petition stands disposed of with the aforesaid liberty. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI, J.

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