



WEB COPY



W.P.No.9080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM :

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

W.P.No.9080 of 2023

Ayyasamy

... Petitioner

Vs.

1.The District collector,
Coimbatore District.

2. The Deputy Director / Assistant Director of
Geology and Mining,
Coimbatore,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to remove and transport the Eco Sand / Floatation Tailings from the Lime Stone Quarry situated in the ACC Lime Stone Quarry Works in Madukkarai, Coimbatore District by issuing permits by considering the petitioner's representation dated 20.02.2023 to the 1st respondent.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mr.U.Baranidharan
Additional Government Pleader



W.P.No.9080 of 2023

ORDER

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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to permit the petitioner to remove and transport the Eco Sand / Floatation Tailings from the Lime Stone Quarry situated in the ACC Lime Stone Quarry Works in Madukkarai, Coimbatore District by issuing permits by considering the petitioner's representation dated 20.02.2023 to the 1st respondent.

2. Mr.U.Baranidharan, learned Additional Government Pleader accepts notice for the respondents.

3. The case of the petitioner is that he was running a business in the name and style of M/s.Suganya Enterprises by way of transporting the Eco Sand from Limestone Quarry situated in ACC Limestone Mines, Madukkarai, which was also permitted by the respondents. Suddenly, the first respondent restricted the petitioner from carrying out the said business, which resulted the petitioner to make a representation dated 20.02.2023, before the first respondent seeking to permit the petitioner to remove the materials. Since the said representation was not acceded to, the petitioner has come up with the



W.P.No.9080 of 2023

present writ petition seeking the aforesaid relief.

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4. Though very many grounds have been raised in the present writ petition, learned counsel appearing for the petitioner submits that it would suffice if this Court may issues a direction to the first respondent to consider the petitioner's representations dated 20.02.2023 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted the written instructions from the second respondent before this Court on 24.03.2023, in which it was stated that the first respondent while inspecting the Checkdam across Manjupallam near ACC cement factory bridge revealed the fact that the eco sand / floatation is being transported by the vendors without obtaining any prior permission. Hence, the first respondent indulged to stop the removal / transportation of the same from the ACC limestone quarry.

6. It is further contended that based on the representations submitted by the similarly situated persons seeking removal of eco sand from the patta lands



W.P.No.9080 of 2023

where the eco sand being dumped after procurement from M/s.ACC Ltd on payment of cost, the Commissioner of Geology and Mining vide proceedings dated 21.10.2022 granted the permission for removal of eco sand being dumped in the patta land that they have leased out.

7. In continuation with the same, the petitioner has also made a representation dated 20.02.2023 seeking the relief stated supra, before the first respondent, and a reply to that effect was also sent to the petitioner vide RC.No.286/Mines/2023 dated 21.03.2023 stating that the petitioner's application will be considered, provided he applies in the prescribed format under the Tamil Nadu Prevention of Illegal Mining, Transportation and Mineral Dealers Rules, 2011 (in short ' the Rules) along with the details on survey field where the eco sand is dumped and the exact quantum of the eco sand dumped along with receipt of the procurement of the same from the M/S.ACC Ltd. However, till date the petitioner has not made any application in the prescribed format. Without doing so, filing the present writ petition seeking the aforesaid relief is not sustainable. Hence he prayed to dismiss the above writ petition.



W.P.No.9080 of 2023

8. Heard learned counsel appearing on either side and perused the materials placed before this Court.

9. It is the claim of the petitioner that he has made a representation seeking permission to the petitioner to remove and transport the Eco sand / floatation tailings from the Limestone quarry situated in ACC Limestone quarry works, Madukkarai before the respondents, which being not considered by them, resulted the petitioner in filing the present writ petition.

10. Per contra the second respondent filed report before this Court on 24.03.2023, and the same was taken on record and a perusal of the same, reveals that the petitioner's representation was considered and a reply to that effect was also given by the respondents dated 21.03.2023, stating that in the event of him applying under the prescribed format as per the Rules, necessary action would be taken. However, without making an application under the prescribed format as stated supra before the respondents, filing the present writ petition seeking the aforesaid relief is not sustainable.

11. Hence, this Court is not inclined to pass affirmative directions in



W.P.No.9080 of 2023

favour of the petitioner. However, liberty is granted to the petitioner to make an appropriate application in a prescribed format before the second respondent / The Deputy Director / Assistant Director of Geology and Mining, Coimbatore in terms of the Rules and if such application is being made, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law.

12. With the aforesaid observation and reasons, this Writ Petition is dismissed. No costs.

24.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Netrual Citation Case : Yes / No
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To

- 1.The District collector,
Coimbatore District.
2. The Deputy Director / Assistant Director of
Geology and Mining,
Coimbatore,
Coimbatore District.



WEB COPY



W.P.No.9080 of 2023

M.DHANDAPANI, J.

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W.P.No.9080 of 2023

24.03.2023