



WP No.12362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.12362 of 2023

1.S.Rajendran
2.B.Tamilselvan

... Petitioners

versus

- 1.The Commissioner,
Department of Geology and Mining,
Industrial Estate, Guindy, Chennai-32.
- 2.The District Collector,
Mayiladuthurai District.
- 3.The Revenue Divisional Officer,
Sirkali Revenue Division, Sirkali,
Mayiladuthurai District.
- 4.The Assistant Director of Geology and Mining,
Nagapattinam/Mayiladuthurai,
Mayiladuthurai District.
- 5.The Tahsildar,
Sirkali Taluk, Mayiladuthurai District.
- 6.The Revenue Inspector
Taluk Office, Sirkali,
Mayiladuthurai District.



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7.M/s.Oriental Structural Engineering Pvt.Ltd.

Rep. by its Project Manager

Commercial Block-Asset 5B Aero City

Hospitality District IGI Airport

New Delhi-110 037.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records in R.C.No.67/Mines/2022 dated 08.11.2022 on the files of the 4th respondent and quash the same.

Appearances :

Mr.R.S.Kirubakaran, for the petitioner

Ms.R.Anitha, Special Government Pleader, for respondents 2 to 6

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioners have come up with this writ petition seeking a writ of certiorari calling for the records in R.C.No.67/Mines/2022 dated 08.11.2022, on the file of the fourth respondent, and quash the same.

2. According to the petitioners, they are residents of Thirumullaivasal Panchayat, Sirkali Taluk, Mayiladuthurai District and that their village is situate at coastal zone in Sirkali Taluk, within 2½ km distance from the Bay of Bengal. Already, agricultural activities are getting spoiled due to issues of soil and water salinization. While so, the seventh respondent applied for sand quarry lease for



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quarrying earth over an extent of 4.41.00 hecates in S.No.425/10, of Thirumullaivasal Village, Sirkali Taluk. In this regard, the fifth respondent/ Tahsildar, issued advertisement dated 13.07.2022, calling for objection from the general public for the said proposal of quarry lease. Further, the fifth respondent also issued memo dated 13.07.2022 to the sixth respondent, calling for a report towards granting lease quarry. Following the same, the fourth respondent granted quarry lease in favour of the seventh respondent. It is the contention of the petitioners that the seven respondent has been conducting quarrying work, violating the specific terms and conditions of the lease. Though the seventh respondent was permitted to take sand up to the depth level of 2 meter, the seventh respondent had been digging nearly 20 feet in depth and taking sand. In this regard, the petitioners have sent a detailed representation to the official respondents, but no action has been taken. Hence, this writ petition has been filed.

3. Ms.Anitha, learned Special Government Pleader, on written instructions, submitted that the petitioners cannot have any grievance since objections were originally called for and after getting objections and considering the same, the quarrying lease has been



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granted. The seventh respondent has been awarded work contract by National Highway Authority of India for supplying earth for laying four lane road between Poondiankuppam and Sattanathapuram, Section of NH-45A.

4. It is seen that the Assistant Geologist, Geology and Mining, Mayiladuthurai, inspected the applied area on 10.08.2022 and 02.11.2022 and furnished technical reports. The report also says that the area applied for quarry lease is a flat sedimentary terrain, covered by earth deposits and the earth available is ideally suitable for road work, filling work and other allied activities. The Assistant Geologist has recommended for granting lease to Thiru.Munna Singh, Joint AGM Admin and Thiru.S.Angappan, Project Manager of M/s.Oriental Structural Engineering Pvt. Ltd, to a depth of 2 meter over an extent of 4.41.00 hectares of patta land in S.F.Nos.425/10 and 2.64.00 Hectares of patta land in S.F.No.425/1A1 (1.77.50), 425/1A2A (0.28.50), 425/5 (0.29.00), 425/6 (0.29.00) of Thirumullaivasal Village, Sirkazhi Taluk, Mayiladuthurai District, for a period of one year under rule 19(1) of Tamil Nadu Minor Mineral Concession Rules, 1959.



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5. Ms.R.Anitha, learned Special Government Pleader, submitted that the Madurai Bench of this Court in its order dated 12.02.2021 in WP (MD) Nos.20903 of 2016, 23452, 24495, 17370 and 18035 of 2019 had directed to test the soil sample of the applied area from an authorised lab before grant. Hence, soil samples of the applied area were forwarded to the Department of Civil Engineering, Anna University, Chennai, for testing. A report was received vide Letter No.SM&FE 204 BI/Soil Test/Thirumullaivasal Village/2022 dated 22.12.2022. In the test report, it was reported that the soil sample tested from the applied area contains 47% of clay, 36% of silt, 15% sand and 2% of gravel on an average. Therefore, the complaint given by the petitioner that the allowing seventh respondent to quarry the sand 2½ km away from the sea, is untenable.

6. Learned Special Government Pleader further submitted that if the contention of the petitioner is accepted, the road laying work would be completely stopped, and as a result, public interest would be hugely affected.

7. We also find merits in the submission made by learned Special Government Pleader. The seventh respondent was granted



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mining lease only on the report and recommendation given by the Assistant Geologist, Geology and Mining, Mayiladuthurai. The Madurai Bench of this Court in its order dated 12.02.2021 in WP (MD) Nos.20903 of 2016 etc. had directed soil samples to be tested, and accordingly, samples were sent for testing and a report was also received in this regard. If the seventh respondent acts against the lease agreement, the authorities would take action against him. At present, there seems to be no adverse report against the seventh respondent.

8. In the result, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, WMP Nos.12202 and 12203 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
24.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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