



W.P.No.22734 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.03.2023

C O R A M

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

W.P.No.22734 of 2018

and

W.M.P.No.26577 of 2018

K.Murthy

... Petitioner

Vs

1. The District Collector,  
Villupuram District,  
Villupuram.
2. The Revenue Divisional Officer,  
Kallakurchi Taluk,  
Villupuram District.
3. The Additional Director,  
Mines and Minerals,  
O/o.The District Collector,  
Villupuram District.
4. Muthaiyan
5. R.Kannan



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6. The District Environment Officer,  
Tamilnadu Pollution Control Board,  
District Collectorate,  
Master Plan Complex,  
Villupuram.

7. The District Forest Officer,  
Kallakurichi Division,  
Raja Nagar,  
Kallakurichi & Taluk,  
Villupuram District.

(R5 to R7 impleaded vide order dated 26.09.2018  
in W.M.P.No.29468 of 2018 in W.P.No.22734 of 2018)

... Respondents

**PRAYER**: Petition filed under Article 226 of the Constitution of India praying to issue a Writ or Order or Direction in the nature of a Writ of Mandamus to direct the Respondent 1 to 3 to take action against the 4<sup>th</sup> respondent for the illegal mining activity in Survey No.191 Part I and Part III of Mallapuram, Village, Shankarapuram Taluk, Villupuram District and establishment of crushing unit in the said Survey Land in violation of lease and consequential peal action against the 4<sup>th</sup> Respondent for the illegal mining activity.

For Petitioner ... M/s.V.r.Kamalanathan

For Respondents ... Mr.U.Baranidharan,  
Additional Government Pleader for R1 to R3 & R7

... Mr.S.Sathish for R4



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... Mr.M.Devaraj for R5

... M/s.Shanmugavalli Sekar for R6.

### **ORDER**

This Writ Petition has been filed to respondents 1 to 3 to take action against the 4<sup>th</sup> Respondent for the illegal mining activity carried out in the petitioner's agricultural land.

2. The petitioner owns an agricultural land in Survey No.191/1 in Mallapuram Village to an extent of 1.93 acres and is cultivating there. The petitioner claims the he was allotted and granted lease to quarry stone in Survey No.191/1 in Mallapuram Village and his lease period was over. The 4<sup>th</sup> respondent was declared as a successful bidder in the tender called for by the 1<sup>st</sup> respondent inviting licensee for quarrying stones in Survey No.191-Part-II. The petitioner alleges that the 4<sup>th</sup> respondent under the guise of mining the minerals has established a crushing unit without any proper license and without any approval from the Tamil Nadu Pollution Control Board. Hence, the petitioner made a representation dated 18.04.1028 to respondents 1 to 3 setting out the



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illegal activity by the 4<sup>th</sup> respondent and for taking necessary action. Since respondents 1 to 3 did not respond to the representation, this Writ Petition has been filed.

3. Learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 4<sup>th</sup> respondent to consider the petitioner's representation dated 18.04.2018 seeking to take penal action against the 4<sup>th</sup> respondent for carrying out illegal mining activity in the petitioner's agricultural land within the time that may be stipulated by this Court.

4. On the above contention, this Court heard the learned Additional Government Pleader appearing for the official respondents and learned counsel appearing for the respondents 4 & 5.

5. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the issue, directs the petitioner to submit a copy of the representation dated 18.04.2018 to the 1<sup>st</sup> respondent along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1<sup>st</sup> respondent is directed to



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consider the same and pass appropriate orders in accordance with law after affording an opportunity of personal hearing to the petitioner as well as to respondents 4 & 5 within a period of six weeks thereafter.

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

**29.03.2023**

Index: Yes/No

Internet: Yes

NHS



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M.DHANDAPANI, J.

NHS

To

1. The District Collector,  
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