



WP No.13255 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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B.Sasidharan

... Petitioner

versus

1.The State of Tamil Nadu,
rep. By the Principal Secretary to Government,
Department of Geology and Mining,
Fort St.George, Chennai 600 009

2.The Principal Secretary,
Department of Revenue,
Fort St.George, Chennai 600 009

3.The Principal Secretary to gvo,
Department of Home, Prohibition and Excise
Fort St.George, Chennai 600 009

4.The Director of Geology and Mining,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai 32

5.The Commissioner,
Department of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-32.



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6.The Director,
Geological Survey of India,
No.36-39, Puvi Vigyan Bhavan,
Jawaharlal Nehru Road,
Guindy, Chennai 32

7.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 32

8.The Regional Controller of Mines,
Indian Bureau of Mines,
Rajaji Bhavan,
C-4A, CGO Complex,
Besant Nagar, Chennai 90

9.The Superintendent of Police,
Thiruvallur District.

10.The Superintendent of Police,
Thiruvallur District.

11.The Revenue Divisional Officer,
Thiruvallur Taluk, Thiruvallur District.

12.The Tahsildar,
Thiruvallur Taluk, Thiruvallur District.

13.The Assistant Director (Mines)
Thiruvallur District.

14.The Executive Engineer,
Water Resources (Tank)
Public Works Department,
Thiruvallur District.

15.Ko.Gowrishankar

16.K.Muthuraj

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 14 from removing the soil, clay, savudu and gravel or issue any contract for soil, clay, savudu and gravel in the P.W.D. Tank situate in S.No.448 Part, Thirunilai Village, Ponneri Taluk, Tiruvallur Distrit and the P.W.D. Tank situate in S.No.368/1, Puthuvaayal Village 2, Gummidipoondi Taluk, Thiruvallur District, strictly in compliance with sub-rule 2(1) of Rule 12 of the Tamil Nadu Minor and Mineral Concession Rules, 1959 as published in G.O.Ms.No.50, Industries (MCC.1) Department, dated 27.04.2017.

For the Petitioner : Mr.D.Alexis Sudhakar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for respondents 1 to 6, 9 to 14

Mr.K.Gunasekar, SPC GC,
for respondent No.8

Mrs.Shanmugavalli Sekar,
for respondent No.7

Mr.P.Raja,
for respondent No.16

No appearance,
for respondent No.15



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ORDER

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(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.D.Alexis Sudhakar, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 6 and 9 to 14; Mr.K.Gunasekar, learned counsel for respondent No.8; Mrs.Shanmugavalli Sekar, learned counsel for respondent No.7 and Mr.P.Raja, learned counsel for respondent No.16.

2. The petitioner has filed the Writ Petition for a mandamus forbearing the respondents from removing soil, clay, suvadu and gravel from the P.W.D.Tank situate in S.No.448 Part, Thirunilai Village, Ponneri Taluk, Tiruvallur District and the P.W.D. Tank situate in S.No.368/1, Puthuvaayal Village, Gummidipoondi Taluk, Thiruvallur District.

3. According to learned counsel for the petitioner, this court had passed an order of status quo. The respondents had committed a mistake and in the status report, they have even accepted the same. The orders of this court were flouted. There was a ban on the extraction of sand and clay from the districts of Chennai, Kanchipuram and Thiruvallur.



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4. Today, notification dated 14.12.2022, issued by the Industries, Investment Promotion and Commerce Department, is placed on record, wherein amendment has been made to Rule 12(2)(a). In the amendment, the expression, "*except Chennai, Kanchipuram and Thiruvallur Districts*" has been omitted. The restriction from mining in the said three districts has been withdrawn.

5. It is for the petitioner to assail the said amendment or otherwise.

6. If the petitioner feels that the orders of this court were violated, and the respondents, in spite of the prohibitory orders, have proceeded further and permitted other persons to excavate, then the petitioner is at liberty to take proceedings of contempt.

7. With these observations, the Writ Petition is disposed of. There will be no order as to costs. Consequently, WMP No.16381 of 2020 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : yes/no

Neutral Citation : Yes/No

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