



W.P. No.17872 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.17872 of 2022 and
W.M.P. No.17219 of 2022

K.Ramasamy

... Petitioner

Vs.

1.The District Collector
Tiruppur District, Tiruppur

2.The Assistant Director of Mines and Geology
Collectorate, Tiruppur, Tiruppur District

3.K.Murugasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus directing first respondent to take appropriate action against the 3rd respondent for illegal quarry more than lease conditions by close down the 3rd respondent quarry operation in S. Nos.279/1, 279/2 and 279/3, Kalipalayam Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Bindran, AGP for R1 & R2
Mr.V.P.Sengottuvel, Senior Counsel
Assisted by Ms.K.Indupriya for R3



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ORDER

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The present writ petition is filed seeking issuance of a writ of mandamus to direct the first respondent to take appropriate action against the third respondent for illegal quarry of rough stones by the third respondent in Survey Nos.279/1, 279/2 and 279/3 of Kalipalayam Village, Avinashi Taluk, Tiruppur District.

2.The petitioner claims that he has 75 cents in R.S. No.277/2 of Kalipalayam village. The said survey field has a total extent of 5.04 Acres. All, except 75 cents that belonged to the petitioner, belongs to the third respondent. According to the petitioner, the third respondent had obtained a lease of property in Survey Nos.279/1 to 279/3 for quarrying rough stone, but without any licence, norms and conditions required for it, he quarried more than 11 metre depth, and it is violative of the lease conditions. Hence the petitioner has made a written representation dated 27.11.2018 and 18.05.2019 and required the authorities not to extend the lease period. However, despite the petitioner's objection, the third respondent had the lease term extended till 2020. The petitioner further submits that the quarrying activities of the third respondent poses health hazard



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and submits that he has made several representations before the respondents 1 and 2 and the last one was on 06.09.2020 requiring the respondents to close down the quarrying operations of the third respondent, as it is violative of the norms. Hence this writ petition.

3.In the counter filed by the first respondent, it is alleged that the property in Survey Nos.279/1 to 279/3 belonged to the third respondent and his wife and they are not the government lands. It also states that the mining licence was issued to the third respondent from 28.02.2008 to 27.02.2013 and it was given because the quarrying site concerned is more than 300 metres away from the nearest human habitats and other structures. He adds that, so far as the licence for mining approval given in 2018 is concerned, necessary approvals have been given by the Geology and Mining authority vide its proceedings dated 19.07.2018. The concerned Tahsildar has given his report dated 24.12.2018 and the environmental impact assessment too has been made and the approval from Tamil Nadu Pollution Control Board too has been obtained by the third respondent on 09.10.2020 and adds that the third respondent has been granted licence to mine rough stone from 14.09.2020 to 13.09.2025 and has all the procedures duly complied.



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4.Heard both sides and perused the materials available on record in the form of typed set of papers.

5.The petitioner's core contention commences on a premise that the property in Survey Nos.279/1 to 279/3 is government land and that the third respondent had obtained a lease. This appears to be not, as the property is found to be the private property of the third respondent and his wife.

6.The second concern is about the health hazard posed due to incessant quarrying by the third respondent in his property. The environmental impact assessment report also permits quarrying in private land. That report is not challenged and the statement of the first respondent indicates that the quarrying is happening not since recently, but from 2008. Taking these views into consideration, this court does not consider that the petitioner's allegation can be sustained on the basis of the facts now made available by the respondents.



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7. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking/Non-speaking order
Asr

To

1. The District Collector
Tiruppur District, Tiruppur
2. The Assistant Director of Mines and Geology
Collectorate, Tiruppur, Tiruppur District
3. The Government Pleader
High Court, Madras



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N.SESHASAYEE, J.,

Asr

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