



W.P.No.21228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21228 of 2022

And

W.M.P.No.10419 of 2023

T.Yellappa

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Assistant Director (Minerals)
Department of Geology and Mining
District Collectorate Complex,
Krishnagiri.
- 3.The District Environmental Engineer
Office of the Tamil Nadu Pollution Control Board,
No.149 A, Dargah, SIPCOT,
Hosur Taluk.

4.Anitha Nandhakumar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to take suitable legal action so as to close the stone quarry and gravel crusher run by the fourth respondent at Kamandoddi Village,



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Shoolagiri Taluk, Krishnagiri District by considering the petitioner's representation dated 29.06.2022.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.K.M.D.Muhilan for R1 and R2
Additional Government Pleader
Ms.Shanmugavalli Sekar for R3
Standing Counsel
Mrs.Rita Chandrasekar for R4
for M/s.Aiyar and Dolia

Ms.K.R.Vinodhinee
Enrollment No.2919/2018
No.7, Cheyyur Parthasarathy Street,
Perambur, Chennai – 11.
9790764462

(Appointed as Advocate

Commissioner)

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing respondents 1 to 3 to take suitable legal action so as to close the stone quarry and gravel crusher run by the fourth respondent at Kamandoddi Village, Shoolagiri Taluk, Krishnagiri District by considering the petitioner's representation dated 29.06.2022.

2.The case of the petitioner is that the petitioner is an



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Agriculturist owning lands in Kamandoddi Village, Shoolagiri Taluk.

The fourth respondent has erected a stone quarry and crusher nearby the petitioner's land and due to breaking up of stones, the dust and dirt in it falls on the agricultural crops resulting in total damage to the cultivation. Hence, the petitioner made representation to the Official respondents seeking to take action against the fourth respondent and since the same was not considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that on 12.04.2023, when the matter was taken up for consideration, submission was made that the stone quarry and crusher of the fourth respondent is situated within 300 meters from the petitioner's agricultural land and a request was made to appoint Advocate Commissioner to inspect the property. Accordingly, this Court appointed one Ms.K.R.Vinodhinee, Advocate, as Advocate Commissioner to inspect the property with the assistance of Taluk Surveyor and directed the Advocate Commissioner to file a report before this Court on or before 26.04.2023.

4.The learned counsel appearing for the petitioner further



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submitted that pursuant to the order of this Court, the Advocate Commissioner measured the property by using GPS machine and found that the stone quarry and crusher is beyond 500 meters from the petitioner's land however, the dumping yard is within the prohibited distance of 300 meters. Hence, the Official respondents have to take action against the fourth respondent.

5.The first respondent has filed a counter affidavit stating that the contention of the petitioner that due to quarrying and crusher operation, agricultural activities of the nearby lands are damaged is a false statement because during inspection conducted by the Tahsildar, Shoolagiri the adjacent land owners had given a statement stating that there is no damage to the crops due to quarrying and crusher operation. It is also stated that the petitioner's land is 640 meters away from the stone quarry and 770 meters away from the crusher unit.

6.The learned counsel appearing for the fourth respondent submitted that the fourth respondent's stone quarry and crusher unit is situated beyond 500 meters from the petitioner's land. Apart from the fourth respondent's stone quarry, there are several stone quarries



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running in and around the petitioner's property, however, the petitioner has filed writ petition only as against the fourth respondent. The learned counsel further submitted that this frivolous petition has been filed by the petitioner with malafide intention and further submitted that if the dumping yard is within the prohibited distance, it is open to the first respondent to pass appropriate orders as against the dumping yard erected by the fourth respondent.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The petitioner has filed this writ petition seeking direction to the respondents 1 to 3 to take suitable legal action so as to close the stone quarry and gravel crusher run by the fourth respondent on the premise that the stone quarry and gravel crusher run by the fourth respondent is situated within the prohibited distance of 300 meters from the petitioner's agricultural land.

9.Inorder to resolve the dispute, this Court vide order dated 12.04.2023 made in W.P.No.21228 of 2022 appointed one Ms.K.R.Vinodhinee, Advocate, as Advocate Commissioner to inspect



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the property in question with the assistance of Taluk Surveyor and directed the Advocate Commissioner to file a report before this Court on or before 26.04.2023, pursuant to which, the Advocate Commissioner had inspected the property and has filed a report dated 25.04.2023 before this Court.

10.Perusal of the report filed by the Advocate Commissioner reveal that the Advocate Commissioner has measured the property with the assistance of Taluk Surveyor using GPS machine and the said measurement clearly reveal that the fourth respondent's stone quarry and crusher unit is situated beyond 500 meters from the petitioner's land except the dumping yard. If the dumping yard has been erected within the prohibited distance of 300 meters, it is open to the first respondent to take action as against the dumping yard erected by the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order.

11.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27.06.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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