



W.P.No.28173 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.28173 of 2023

U.P.Subramaniam

... Petitioner

Vs.

- 1.The District Collector,
Erode District, Erode.
- 2.The Revenue Divisional Officer,
Erode, Erode District.
- 3.The Deputy Director of Geology & Mining,
Collectorate, Erode.
- 4.The Assistant Director of Geology & Mining,
Erode.
- 5.The Tahsildar,
Modakurichi Taluk, Erode District.
- 6.The Assistant Director of Town Panchayats,
Erode.
- 7.The Village Administrative Officer,
Arachalur Village, Modakurichi Taluk,
Erode District.



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8.S.Mayilswamy

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 7 to take appropriate action on the Complaint dated 19.06.2023 filed by the Petitioner against the 8th Respondent if the violations are in existence.

For Petitioner : Mr.V.B.Jeyachandran

For Respondents : Mr.KMD.Muhilan (for R1 to R7)
Additional Government Pleader
No appearance for R8

ORDER

The petitioner has filed this writ petition seeking a mandamus directing the official respondents, R1 to R7 to take appropriate action on his complaint dated 19.06.2023 alleging illegal actions being carried out by R8.

2.The petitioner is a resident in Arachalur Village. According to him, R8 has been carrying out quarrying operations in his land which abets the petitioner's land. The period of lease is five years from 17.10.2018 and as on date, it has expired on 18.10.2023.



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3.It is the petitioner's complaint that R8 has illegally quarried gravel from his patta land and sold the same. He has made a complaint before the authorities, in respect of which there has been no response. Hence, this writ petition.

4.Mr.KMD.Muhilan, learned Additional Government Pleader, who appears for the official respondents produces instructions in R.C.No.070/Mines/2023 dated 09.10.2023 reading as follows:

'R.C.No.070/Mines/2023 dated 9.10.2023.'

Sir,

*Sub: Mines and Quarries – Erode District –
W.P.No.28173/2023 filed by
Thiru.U.P.Subramaniam, S/o. Late Palanisamy
- Instructions submitted – Reg.*

*Ref: 1.W.P.No.28173/2023 filed by Thiru.
U.P.Subramaniam before the Hon'ble Madras
High Court.
2.Joint inspection report of the Assistant
Geologist (Mines) and Special Revenue
Inspector (Mines) dated 23.09.2023.
3.This office letter Rc.No.070/Mines/2023 dated
26.09.2023
4.Show cause notice Rc.No.070/Mines/2023
dated 04.10.2023*

Kind attention is invited to the references cited.

2.Thiru.U.P.Subramaniam, S/o. Palanisamy Gounder has filed a Writ Petition in W.P.No.28173/2023 before the Hon'ble Madras High Court with a prayer to issue a Writ of Mandamus or any other appropriate Writ or Order or direction in the nature of Writ, directing the Respondents 1 to 7 to take appropriate action on the complaint dated 19.06.2023 filed by the petitioner against the 8th respondent if



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the violations are in existence and pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

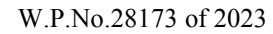
3.In this connection, it is submitted that, a rough stone and gravel quarry lease has been granted to Thiru. Mayilsamy, over an extent of 1.33.5 hectares, in patta lands in S.F.Nos. 101/6, 101/7 and 101/8 of Arachalur Village, Modakurichi Taluk, Erode District for a period of five years from 17.10.2018 to 16.10.2023 vide District Collector, Erode Proceedings in Rc.No.17859/2018/X1 dated 17.10.2018.

4.It is further informed that, based on the representation received from the petitioner, the Taluk Level Task Force, Modakurichi has been requested to inspect the subject area and the subject area was inspected by Assistant Geologist, Geology and Mining, Erode along with Special Revenue Inspector (Mines) on 23.09.2023. It is revealed from the inspection report that lessee Thiru. Mayilsamy had removed 45454 cubic metres of roughstone excessively. Hence, the Revenue Divisional Officer has been requested to take penal action as per rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959 against the lessee vide reference 3rd cited. Further, a show cause notice has also been issued to the lessee directing him to offer his explanation for other violations vide reference 4th cited.

In the circumstances stated above, it is submitted that the above facts may be appraised before the Hon'ble Court and to defend case.

*Deputy Director,
Geology and Mining,
Erode.'*

5.With the expiry of the lease period, the petitioner's complaint is now restricted to the quarrying that has taken place till 18.10.2023. The Deputy Director, Geology and Mining/R3 has acquiesced with the allegation of the petitioner in regard to excessive quarrying by R8. However, though R8 is stated to have removed 45454 cubic metres of



8. Upon conclusion of the penalty proceedings, let an order be passed by R3 on the representations of the petitioner dated 13.02.2023 and 19.06.2023, bearing in mind, the findings in the adjudication order to be passed and in accordance with law and all prevailing rules and regulations. This exercise, of disposal of the representations, shall be concluded after hearing the petitioner, within a period of four (4) weeks from date of passing of penalty order.



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9. With this, and as nothing further survives in this writ petition,
the same is closed. No costs.

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vs

Index : Yes / No

Speaking Order

Neutral Citation: Yes

To

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DR.ANITA SUMANTH, J.

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