



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**19.07.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.1593 OF 2023
and
W.M.P(MD)No.1450 of 2023**

Murugan

:Petitioner

.VS.

- 1.The District Collector,
Virudhunagar.
- 2.The Principal Chief Conservator of Forests,
State Environment Impact Assessment Authority,
NO.1, Jenis Road,
Panahal Maligai Building,
Saidapet,
Chennai -15.
- 3.The District Forest Officer,
Virudhunagar,
- 4.The District Environmental Engineer,
Tamil Pollution Control Board,
Collectorate Campus,
Virudhunagar.
- 5.The Assistant Director(Mines and Minerals),
Collectorate Campus,
Virudhunagar.
- 6.The Tahsildar,
Office of the Tahsildar,



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Srivilliputhur,
Virudhunagar District.

7.The Revenue Inspector,
Pillayarkulam,
Srivilliputhur Taluk,
Virudhunagar District.

8.The Village Administrative Officer,
Achanthavilthaan,
Srivilliputhur Taluk,
Virudhunagar District.

9.The Block Development Officer,
Srivilliputhur Union Office,
Virudhunagar District.

10.The Inspector of Police,
Srivilliputhur Town Circle,
Virudhunagar District.

11.KMC Construction Limited,
No.1307 IB 1299 4 Old Sennakulam,
Pillayarkulam,
Srivilliputhur – 626 125,
Virudhunagar District.

12.SVS Blue Metals,
through its Satharmasana,
Door No.1/128, Maliputhur Village,
Srivilliputhur Taluk,
Virudhunagar District.

13.P.V.Lakshmi Narayanan

(R13 is impleaded as per order of this Court made in
W.M.P(MD)No.3948 of 2023 in W.P(MD)No.1593 of 2023,
dated 4.7.2023) : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India, praying this Court to issue a Writ of Mandamus directing the



respondents 1,2,4,5 and 10 not to grant any permission to the respondent No.11 and 12 for setting up the stone quarry cum crusher unit in the farm land bearing S.Nos.58, 59, 61,63, 73, 74, 732, 735, 736, 740, 741, 742, 737, 748, 749, 750, 751, 752, 753, 754 and 755 situated at Achamthavilthaan Village by considering the representation, dated 15.12.2022 of the Petitioner within the time stipulated by this Court.

For Petitioner	:Mr.B.Narayan Ram
For Respondents 1,3,5 to 8 and 9	:Mr.J.Ashok Addl.Govt.Pleader
For Respondent-2	:Mr.N.Dilip Kumar
For Respondent-4	:Mrs.Vijayakumari Natarajan Standing Counsel
For Respondent-11	:Mr.Issac Mohanlal Senior Counsel for M/s.Issac Chambers
For Respondent-12	:Mrs.Lakshmi Gopinathan for M/s.Polax Legal Solutions

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed directing the respondents 1,2,4,5 and 10 not to grant any permission to the respondent No.11 and 12 for setting up the stone quarry cum crusher unit in the farm land bearing S.Nos.58, 59, 61,63, 73, 74, 732, 735, 736, 740, 741, 742,



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737, 748, 749, 750, 751, 752, 753, 754 and 755 situated at Achamthavilthaan Village by considering the representation, dated 15.12.2022 of the Petitioner.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The respondents 11 and 12 have proposed to instal a stone quarry cum crusher unit in the private patta land. The grievance of the Petitioner is that the private respondents have not obtained permission to establish or to operate the stone quarry cum crusher unit in the farm land from Pollution Control Board. It is further stated that the proposed industry is very near to the forest and that the 11th respondent did not obtain clearance from Forest Department. Regarding the other grievance expressed by the Petitioner, he has to approach the competent civil Court for appropriate relief. As far as the establishment of stone quarry cum crusher unit, the fact that the private respondents have applied for consent to establish the said unit is admitted and the application is a revised one to cover the plants and machineries installed as on date.



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4.The learned Senior Counsel appearing for the 11th respondent states that they will not operate the above said unit without the consent to operate from Pollution Control Board. He adds that the application submitted by the 11th respondent is not processed due to the pendency of the Writ Petition. It is stated that the application before the State Environment Impact Assessment Authority(SEIAA) is also kept in abeyance because of pendency of Writ Petition.

5.In these circumstances, this Court is inclined to dispose of the above Writ Petition with the following directions:

1.The application that is now submitted by the 11th respondent before the fourth respondent for consent to establish the above said unit shall be considered by fourth respondent in accordance with law.

2.The Petitioner is permitted to submit a representation before the fourth respondent within a period of one week from the date of receipt of a copy of this order raising his objections regarding grant of consent from Pollution Control Board.



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3.If any private individual has grievance regarding the right of way based on revenue records, it is open to the competent authorities to consider separately. If the Petitioner or third parties claim any right of easement, they are at liberty to approach the Civil Court to establish such right of easement.

4.The second respondent shall consider the application submitted by the 11th respondent pending before him and pass appropriate orders after hearing the 11th respondent as well as the Petitioner. The Petitioner shall file his objections, if any to the second respondent or the State Environment Impact Assessment Authority(SEIAA) within a period of one week from the date of receipt of a copy of this order.

6.It is reported by the learned Senior Counsel appearing for the 11th respondent that he has already entered into an agreement with the National Highways Authority. It is further stated that the Petitioner has committed to certain contractual obligations which can be fulfilled, only if the application submitted by the 11th respondent is considered within a time frame.



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7. Therefore, the second and fourth respondents as well as the State Environment Impact Assessment Authority (SEIAA) are directed to dispose of the applications pending before them, within a period of eight weeks from the date of receipt of a copy of this order, after hearing the Petitioner as well as the 11th respondent.

8. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
19.07.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

vsn

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D.BHARATHA CHAKRAVARTHY,J.

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