



W.P.(MD).No.12761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.12761 of 2022
and W.M.P.(MD).Nos.9065 and 9067 of 2022

R.Velammal

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub-Collector,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tirunelveli.
4. The Tahsildar,
Manur Taluk,
Tirunelveli.
5. The Assistant Director,
Department of Geology and Mining,
Tirunelveli.



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6.Bermy Vidya

7.Durai Pandian

8.Sekar

9.Stanley

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Se.Mu.A7/2477/2016 dated 14.07.2021 and quash the same and consequently, direct the first respondent to take action against the erring officials who gave false report for passing previous order dated 28.10.2016 and further direct the first respondent to renew the quarry lease in respect of land in S.No.471/1A over an extent of 2.43.0 hectares situated at Vagaikulam, Tirunelveli Taluk and District.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 to R5
No-appearance for R6 to R9



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ORDER

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This Writ Petition has been filed challenging the order passed by the second respondent on 14.07.2021 imposing the penalty of Rs.26,44,536/- (Rupees Twenty Six Lakhs Forty Four Thousand Five Hundred and Thirty Six only) on the petitioner for having excavated the excess quantum of mineral.

2. The petitioner is a quarry operator and was granted lease for quarrying rough stones and jalli in S.No.471/1A to an extent of 2.43.0 hectares by the first respondent in the year 2001 and the same has been extended upto the year 2013. While so, the petitioner has quarried the stone more than the permitted limit. Therefore, the second respondent has imposed the penalty on the petitioner, vide impugned order, dated 14.07.2021.

3. When the matter was taken up for hearing on 15.09.2023, the learned counsel appearing for the petitioner submitted that there are vast difference in the earlier report and the subsequent report relied on by the second respondent to impose penalty on the petitioner. Therefore, this



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Court directed the Assistant Director, Department of Geology and Mining, Tirunelveli, to conduct survey with advanced techniques, such as, Total Station Survey, Drone Survey and DGPS etc.,

4. In response to the said order, dated 15.09.2023, the Joint Director, who is in-charge of the Assistant Director, Department of Geology and Mining, Tirunelveli, has submitted a report dated 21.09.2023, wherein, the following has been stated:

“The Globetek Survey team was requested by the Joint Director/Assistant Director (i/c), Tirunelveli, to conduct survey the disputed site using advanced techniques. Accordingly, the survey team has conducted the survey using total station survey, DGPS survey on 21.09.2023 in the presence of the Joint Director/Assistant Director (i/c), Tirunelveli, Special Deputy Tahsildar (Mines), Tirunelveli, Special Revenue Inspector (Mines), Tirunelveli, Revenue Inspector, Manur, Firka Surveyor, Manur and Village Administrative Officer, Vagaikulam. Since the quarry site is water logged, survey of pits could not be done at this stage.

In this context, it takes time to determine the volume of illegal quarrying due to water logged in quarry pits. The petitioner may be directed to de-water the above said quarry pits and inform to this office, so as to complete the survey at the



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earliest. The Globetek Survey team report is submitted herewith. Therefore, I kindly request you to get one month of adjournment for filing report.”

5. The learned counsel appearing for the petitioner submits that the survey was conducted on 21.09.2023 by the Joint Director/Assistant Director (I/C), Geology and Mining, Tirunelveli, in the absence of the petitioner and notice has not been issued to her.

6. However, the said submission made by the learned counsel appearing for the petitioner has been disputed by the learned Additional Government Pleader appearing for the respondents 1 to 4 by stating that the survey was conducted after giving intimation to the petitioner through phone.

7. The learned counsel appearing for the petitioner submits that the petitioner has now come forward to remove the water stagnated in the quarry pits.



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8. Considering the submissions made by both sides, this Writ Petition is disposed with the following directions:

(i) The petitioner is directed to remove the water stagnated in the quarry pits within a period of two weeks from the date of receipt of a copy of this order;

(ii) On such removal of water stagnated in the quarry pits, the fifth respondent, namely, the Assistant Director, Department of Geology and Mining, Tirunelveli, shall conduct survey with Drone in the quarry pits on **31.10.2023** and submit a report before the third respondent, namely, the Revenue Divisional Officer, Tirunelveli; and

(iii) On submission of fresh report by the fifth respondent, the second respondent is directed to proceed further and take appropriate decision in accordance with law.

There shall be no order as to costs. Connected miscellaneous petitions are closed.

26.09.2023

Index: Yes/No
Internet: Yes/No
ssb



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B.PUGALENDHI, J.

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