



WP(MD)No.7536 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

W.P.(MD)No.7536 of 2023
and WMP(MD) No.7028 of 2023

Murugan

.. Petitioner

Vs.

- 1.State rep. by
the District Collector,
Madurai District, Madurai.
- 2.The Forest Range Officer,
Saptur Forest Range Office,
Srivilliputhur, Virudhunagar District
- 3.The Assistant Director,
Mines and Minerals Department
Madurai.
- 4.The Tahsildar
Peraiyur Taluk
Madurai District.
- 5.The Inspector of Police (Circle)
Ezhumalai Police Station,
Madurai District.



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6.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents 1 to 6 more particularly the 3rd and 4th respondents to consider the petitioner's representation dated 27.03.2023 and take necessary action, protecting the environment and natural resource in Peraiyur Taluk, Madurai District, within a time stipulated by this Court.

For Petitioner : Mr.PM.Vishnuvarthanan
For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.S.Shanmugavel
Additional Government
Pleader

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petitioner has filed this writ petition in public interest on behalf of the people in the locality, where the petitioner resides, namely, T.Krishnapuram Taluk, Peraiyur Taluk, Madurai District complaining that off-late a number of brick-kiln have come unauthorisedly and those who,



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after taking lease of the agricultural lands, started this brick-kiln industries indiscriminately and taking the earth without any proper permission and this has not been regulated by the authorities concerned, especially, the 2nd and 3rd respondents.

2. Therefore, in order to regulate them, to protect the environment in that locality and also to prevent the illegal mining for the purpose of those industries, the petitioner on behalf of the village people had given a detailed representation on 05.01.2023 to all the respondents including 1st and 3rd respondents to take immediate action. However, no such action seems to have been taken by the respondents, especially the first and third respondents and therefore, the petitioner has been constrained to file this writ petition with the aforesaid prayer.

3. Reiterating the same, the learned counsel for the petitioner has brought to the notice of this Court, by relying upon some photographs filed in the typed set of documents, where large extent of earth seems to have been removed by the so called brick-kiln industries and by virtue of these industries, which have bloomed in mushroom in private lands, hence



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whether the environment in that area is protected properly and these industries also have been permitted to run there with proper license issued in this regard by the authorities concerned, namely, the first and third respondents, is a question. Therefore, when we heard the learned Additional Advocate General appearing for the respondents, he would submit that, some report has already been given by the Tahsildar concerned dated September 2022 and pursuant to the said report further enquiry has to be conducted and if need arises spot inspection also would take place as to whether these brick-kilns have been functioning by taking proper license or not and in this context, any rule is violated by them also to be looked into and in that context, the representation submitted by the petitioner dated 05.01.2023 followed by the further representation dated 27.03.2023 would be taken up and considered and an order to that effect would be passed in consultation with the third and fourth respondents after the spot inspection report from them, within a period of four weeks, he contended.

4. Having considered the said submission made by the learned Additional Advocate General, this Court is inclined to pass the following order:



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“There shall be a direction to the respondents, especially the first and third respondents to consider the representation made by the petitioner dated 05.01.2023 and in this regard, after inspection, a report shall be obtained from 3rd and 4th respondents with regard to the complaint made by the petitioner in his representation, and after verifying the same, the first respondent shall pass orders thereon within a period of six weeks from the date of receipt of a copy of this order.”

With this direction, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
03.04.2023

NCC : Yes/No
Index : Yes/No
RR



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