



W.P.(MD).No.8619 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.8619 of 2022
and W.M.P(MD).Nos.6341 to 6343 of 2022

Rajendran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the District Collector,
Virudhunagar District,
Virudhunagar.

2.The Additional Directorate Mines,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Virudhunagar District,
Virudhunagar.

4.Valaimuthuchamy

5.M/s.Ramki Medical Waste Management Company,
Rep.by its Proprietor,
Mudukkangulam Village,
(Keezhapudhukudi),
Kariapatti Taluk,
Virudhunagar-626 106.

...Respondents



W.P.(MD).No.8619 of 2022

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned order in Na.Ka.No.A1/877/2022 dated 06.04.2022 passed by the third respondent and quash the same as illegal and consequently, direct the third respondent to conduct fresh enquiry after hearing the petitioner's objections, with regard to the illegal mining committed by the fourth respondent in the properties in Sy.Nos.5/1 and 5/2 in Mudukkangulam Village, (Keezhapudhukudi), Kariapatti Taluk, Virudhunagar-626 106.

For Petitioner : Mr.P.M.Vishnu Varathanan

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 to R3
Mr.R.Suriyanarayanan for R4
Mr.N.Dilip Kumar for R5

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent, namely, the Tahsildar, Kariapatti Taluk, Virudhunagar District, in Na.Ka.No.A1/877/2022 dated 06.04.2022, permitting the fourth respondent to extract Vandal Soil in Survey Nos.5/1 and 5/2, situated at Mudukkangulam Village, (Keezhapudhukudi), Kariapatti Taluk, Virudhunagar District.



W.P.(MD).No.8619 of 2022

WEB COPY

2. The learned counsel appearing for the petitioner submits that the fourth respondent, under the guise of permission granted by the third respondent vide impugned proceedings, dated 06.04.2022, is illegally extracting soil more than the permitted limit and has exploited soil from the adjacent land and sold the same to the fifth respondent. Hence, the present writ petition has been filed challenging the impugned proceedings.

3. The learned counsel appearing for the respondent No.4 submits that the fourth respondent has not conducted any quarrying in the said survey numbers.

4. The learned counsel appearing for the respondent No.5 submits that the fifth respondent Company has not received any sand from the fourth respondent.

5. The learned Additional Government Pleader appearing for the respondent Nos.1 to 3 seeks time to file counter.



W.P.(MD).No.8619 of 2022

WEB COPY

6. Though this Court has entertained this writ petition in the year 2022 and ordered notice on 28.04.2022, the respondents 1 to 3 have not filed their response so far.

7. The third respondent, namely, the Tahsildar, Kariapatti Taluk, Virudhunagar District, has permitted the fourth respondent to extract Vandal Soil in Survey Nos.5/1 and 5/2 situated at Mudukkangulam Village, (Keezhapudhukudi), Kariapatti Taluk, Virudhunagar District, vide impugned proceedings, dated 06.04.2022. However, the third respondent is not a Competent Authority to grant such permission to the fourth respondent. Therefore, the Deputy Director of Geology and Mining, Virudhunagar District, is directed to conduct enquiry and submit a report before the first respondent, namely, the District Collector, Virudhunagar District and on submission of the said report, the first respondent is directed to find out as to how this permission has been granted by the third respondent and take appropriate action against the third respondent in accordance with law. Let this exercise be completed within a period of three months from the date of receipt of a copy of this order.



W.P.(MD).No.8619 of 2022

WEB COPY

8. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

26.09.2023

(1/2)

Index: Yes/No
Internet: Yes/No
ssb

To

- 1.The State of Tamil Nadu,
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Virudhunagar.
- 2.The Additional Directorate Mines,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Virudhunagar District,
Virudhunagar.



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W.P.(MD).No.8619 of 2022

B.PUGALENDHI, J.

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W.P.(MD).No.8619 of 2022

**26.09.2023
(1/2)**