



W.P.(MD)No.8138 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8138 of 2023

and

W.M.P.(MD)Nos.7525, 7526, 7529 &7532 of 2023

R.Sakthivel

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Madurai, Madurai-625 020.
- 2.The Chairperson,
State Environment Commission,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600032.
- 3.The Member Secretary,
State Environment Commission,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600032.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SIDCO, Industrial Estate,



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Kappalur, Thirumangalam Taluk,
Madurai-625 008.

5.The Assistant Director of Geology and Mines Department (AD)
District Collector Office Campus,
Madurai District-625 020.

6.The District Revenue Officer (DRO)
Madurai District,
Madurai-625 020.

7.The Revenue Divisional Officer (RDO)
Thirumangalam Sub Division,
Thirumangalam Taluk,
Madurai-625 706.

8.The Tahsildar,
Kallikudi Taluk Office,
Kallikudi Taluk,
Madurai District-625 706.

9.The Superintending Engineer,
Water Resource Department & Public Work Department,
Peraiyur Vaigai Basin Circle, Madurai.

10.The Executive Engineer,
Water Resource Department & Public Work Department,
Peraiyur Vaigai Basin Circle, Madurai.

11.The Proprietor,
Suganya Blue Metals,
13/4A2, Achangulam,
Nedungulam, Mela Uppiligundu Post,
Thirumangalam Taluk, Madurai District.

12.R.Kannan
The Member Secretary,
State Environment Commission,



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Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600032.

13.R.Gunasekaran,
The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SIDCO, Industrial Estate,
Kappalur, Thirumangalam Taluk,
Madurai-625 008.

14.Annadurai
The Assistant Director of Geology and Mines Department (AD)
District Collector Office Campus,
Madurai District 625 020.

15.Soundarya,
The Revenue Divisional Officer (RDO)
Thirumangalam Sub Division,
Thirumangalam Taluk,
Madurai-625 706.

16.Surendran
The Tahsildar,
Kallikudi Taluk Office,
Kallikudi Taluk,
Madurai District-625 706.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records from the fifth respondent office vide proceedings in Na.Ka.No.400/கனிமம்/2021, dated 25.11.2022 on the file of the fifth respondent office and quash the same as illegal.



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For Petitioner : Mr.Karunanidhi
for Mr.R.Sundar

For Respondents : Mr.M.Siddhardhan
Additional Government Pleader for R1, R5 to R10

: Mrs.Vijayakumari Natarajan
for R2 to R4, R12 & R13

: Mr.Sricharan Rengarajan
Senior Counsel
for Mr.S.Chandrasekaran for R11

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1, R5 to R10 and the learned standing counsel appearing for R2 to R4, R12 & R13 and the learned senior counsel appearing for R11.

2. By the impugned proceedings dated 25.11.2022, the 5th respondent had granted quarry lease in favour of the 11th respondent. The 11th respondent had been permitted to quarry his patta land comprised in the petition mentioned survey numbers for a period of ten years.

3. The petitioner is a resident of the same village. The petitioner



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alleges that the 11th respondent had in the guise of quarrying destroyed the water bodies in the village. He would also allege that on account of the quarrying operations, the agricultural activities have been severely impacted.

4. The contesting respondents have filed counter affidavits and we have been taken through their contents.

5. The learned senior counsel appearing for the 11th respondent pointed out that quarry lease was issued only after due compliance of the statutory procedures and that therefore, no case for cancellation of the license has been made out. The respondents pressed for dismissal of the writ petition.

6. We carefully considered the rival contentions and went through the materials on record. It is seen that a stream is running between S.No.40 and 27 in Kallanai Village. As per Rule 19(C)(iv) of the Tamil Nadu Minor Mineral Concessions Rules, 1959, the licensee must leave safety distance of 10 meters. In this case, before granting environmental clearance, SEIAA called upon the applicant to submit a revised plan and only thereafter, environmental clearance was issued. We went through the materials enclosed in the typed set of papers



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and we are satisfied that all the statutory formalities have been fully complied with. The petitioner wants this Court to cancel the license granted in favour of the 11th respondent. Unless statutory infraction is shown, we cannot allow the said prayer. Since no statutory infraction has been made out, we are not in a position to interfere. If the license conditions are breached, it would always be open to the petitioner to move this Court again. The quarry lease has been granted subject to certain terms and conditions. The 11th respondent is directed to scrupulously adhere to the same.

7. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
10.08.2023

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