



W.P.(MD).No.13927 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2023**

CORAM:

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

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S.Armstrong Fernando

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director,
Department of Geology and Mining,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 5.The Deputy Director,
District Town and Country Planning Office,
Virudhunagar District.



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6.The Block Development Officer (Village Panchayat),
Aruppukottai Taluk,
Virudhunagar District.

7.The Village Panchayat,
Chidambarapuram Village,
Aruppukottai Taluk,
Virudhunagar District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from sanctioning housing plot layout approval to the land situated within 500 meters of the licensed quarry run by the petitioner in S.Nos.462/1, 462/2, 462/3A and 462/3B in Chettikurichi Village, Aruppukottai Taluk, Virudhunagar District, by considering the petitioner's representation dated 17.02.2022.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.G.V.Vairom Santhosh
Additional Government Pleader
for R1 to R6
Mr.B.Muneeshwaran
for R7

ORDER

This Writ Petition has been filed to forbear the respondents from sanctioning housing plot layout approval to the land situated within 500 meters of the licensed quarry run by the petitioner in S.Nos.462/1, 462/2,



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462/3A and 462/3B situated in Chettikurichi Village, Aruppukottai Taluk, Virudhunagar District, by considering the petitioner's representation, dated 17.02.2022.

2. The learned counsel appearing for the petitioner submits that the petitioner has been granted license to run a rough stone quarry in S.Nos. 464/1, 462/2, 462/3A and 462/3B. While so, the respondents 5 and 7 are about to give sanction for residential housing plots/layouts in the land comprised in Survey Nos.474 and 495 in Chettikurichi Revenue Village. As per Rule 36(1) of the Tamil Nadu Minor Minerals Concession Rules, no inhabitation shall be situated within 500 meter radius from the boundaries of quarry. Hence, the present Writ Petition has been filed.

3. This Court considered the submission made by the learned counsel appearing for the petitioner.

4. It appears that the respondents 5 and 7 are about to give sanction for residential housing plots/layouts in the land comprised in Survey Nos.474 and 495 in Chettikurichi Revenue Village, which is



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situated within 500 meters from the rough stone quarry operated by the petitioner.

5. It is relevant to extract hereunder Rule 36(1)(A)(C) of the Tamil Nadu Minor Minerals Concession Rules:-

“No new layout and building plans falling within 300 metres from any quarry should be given approval by any Agency unless prior clearance of the Director of Geology and Mining is obtained and on receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be of any quarry which is situated within 300 metres from the now layout, building sought for such “clearance”.

6. In view of the said Rule, no new layout and building plans falling within 300 meters from the quarry should be given approval by any Agency, unless and until prior clearance from the Director of Geology and Mining is obtained. Therefore, the respondents 5 and 7 are directed to obtain prior clearance from the Director of Geology and Mining before sanctioning the approval for residential housing



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plots/layouts.

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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
ssb

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