



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.08.2024

PRONOUNCED ON : .2024

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.13887 of 2023
and
W.M.P(MD)No.12199 of 2023**

A.Palanivelu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Industries MMA.1 Department,
Fort. St.George, Chennai.
- 2.The District Collector
cum Chairman,
District Level Task Force /
Monitoring Committees,
District Collectorate,
Pudukottai.
- 3.The Assistant Director,
Geology and Mining,
Collectorate Complex,
Pudukottai District.
- 4.The Tahsildar,
Ponnamaravathy Taluk,
Pudukottai District.



5.R.Palanivelu
President,
Arasamalai Village Panchayat,
Ponnamaravathy Taluk,
Pudukottai District.

6.Raja

... Respondents

Prayer: Writ Petition filed under Article 227 of the Constitution of India to issue Writ of Mandamus by directing the 2nd respondent to cause an inspection and take steps to determine the extent of illegal quarrying of Savudu and Sand in Sathani Kanmoi and in Survey No. 75/1, 24/2, 37/1, 41/1, 41/2, 53/3, 53/4 56/1, 56/2, 57, 58, 59/1, 59/2 and 60 of Sathanur Revenue Village, Ponnamaravathy Taluk, Pudukottai District and to consequently prevent further illegal quarrying in the said water body and to take appropriate action against the officials responsible in terms of G.O Ms No.135 Industries MMA.1 Department, dated 13.11.2009 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athif

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.K.Balasubramani
Special Government Pleader for R1 to R4

Mr.N.Sudhagar Nagaraj for R6

No appearance for R5



WEB COPY

ORDER

Heard both sides.

2.The petitioner is a resident of Sathanur Village, Ponnamaravathy Taluk. He is an Ayacutdar of Sathani Kanmoi. He alleges that mineral is being illegally extracted from the said water body. Specific allegations have been made against the private respondents. Since his representations did not elicit any response, the present writ petition came to be filed for directing the District Collector to cause inspection and take steps to determine the extent of illegal quarrying in the petition mentioned lands and water body.

3.When the matter was taken up for hearing, the learned Additional Advocate General submitted on instructions from the Tahsildar, Ponnamaravathy that there is no illicit quarrying as alleged by the petitioner in the petition mentioned survey numbers. We, therefore, appointed an Advocate Commissioner to conduct spot inspection and submit report. The Advocate Commissioner undertook inspection on 24.07.2024. She has since submitted her report. Her report substantially confirms the allegations made by the writ



petitioner. Mrs.Santha, Tahsildar, Ponnamaravathy Taluk lodged her objections. In her objections, she has stated that the Advocate Commissioner has assumed certain facts and come to predetermined conclusions.

4.We are not happy with the way the Tahsildar has chosen to approach the issue. The photographs enclosed along with the Advocate Commissioner's report prima facie indicates that mining of minerals has taken place in the petition mentioned water body and the survey numbers. We are satisfied that the case for intervention at the level of the District Collector has been made out. We direct the District Collector, Pudukottai District to appoint an independent team with a specific mandate to determine the extent of illegal quarrying in Sathani Kanmoi and the petition mentioned lands in Sathanur Revenue Village, Ponnamaravathy Taluk, within a period of two weeks from the date of receipt of copy of this order. We issue such a positive direction so that the District Collector shall fix responsibility on the concerned officials. Necessary departmental as well as penal action shall be taken. The officials of Ponnamaravathy Taluk shall not be a part of the team to be constituted by the District Collector. The said team will carry out this inspection and submit its report to the District Collector within a period of two weeks thereafter. The District



Collector is mandated to pass an appropriate order by taking into account the report of the independent team as well as that of the Advocate Commissioner within a period of two weeks from the date of submission of the report by the team.

5.This writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

**[G.R.S., J.] & [B.P., J.]
.2024**

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

To

- 1.The Principal Secretary, Industries MMA.1 Department,
Fort. St.George, Chennai.
- 2.The District Collector cum Chairman,
District Level Task Force /Monitoring Committees,
District Collectorate, Pudukottai.
- 3.The Assistant Director, Geology and Mining,
Collectorate Complex, Pudukottai District.
- 4.The Tahsildar, Ponnamaravathy Taluk, Pudukottai District.



WEB COPY



G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

Skm

WP(MD)No.13887 of 2023

and

W.M.P(MD)No.12199 of 2023

.2024