



Cont.P.(MD)No.1366 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont. P.(MD) No.1366 of 2023

in

W.P.(MD) No.27142 of 2022

S.M.A.Pon Gandhimathinathan

... Petitioner

Vs.

- 1.Mr.L.Nirmal Raj, I.A.S.,
The Director,
Department of Geology and Mining,
Guindy,
Chennai 32.
- 2.Mr.K.Senthil Raj, I.A.S.,
The District Collector,
Collectorate,
Thoothukudi District.
- 3.Mr.Gaurav Kumar,
The Sub-Collector / The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Thoothukudi District..
- 4.Dr.S.Subaitha Rahima,
The Assistant Director of Mines and Minerals Department,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.



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5.Mr.R.Kannan,
The Member Secretary,
Tamil Nadu Pollution Control Board,
No. 76, Little Mount,
Guindy,
Chennai – 32.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying to initiate Contempt Proceedings against the Contemnors / Respondents and punish them for the wilful disobedience of the order of this Hon'ble Court passed in W.M.P. (MD) No.21297 of 2022 in W.P.(MD) No.27142 of 2022 dated 30.11.2022.

For Petitioner : Mr.I.Pinaygash

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The Contempt Petition is filed alleging that the respondents have wilfully disobeyed the order dated 30.11.2022 passed by this Court in W.M.P. (MD) No.21297 of 2022 in W.P.(MD) No.27142 of 2022.

2. The Petitioner has filed the Writ Petition in W.P.(MD) No. 27142 of 2022 for issuance of a Writ of Mandamus, directing the respondents to take stringent action against the Respondent Nos.6 to 17



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and all the Brick Chambers running at Thoothukudi District without obtaining extension order of License in terms of Section 19(1) and (2) of Tamil Nadu Minor Mineral Concession Rules, 1959, taking note of the fact that Brick Chambers are not entitled to run their business without any licence.

3. By order dated 30.11.2022, in W.M.P. (MD) No.21297 of 2022 in W.P.(MD) No.27142 of 2022, this Court has granted interim injunction restraining the private respondents from running the Brick Chambers in and around Thoothukudi District without obtaining extension order of licence in terms of Section 19(1) and (2) of Tamil Nadu Minor Mineral Concession Rules, 1959. This Court also directed the official respondents to take necessary action for closure of such Brick Chambers, if they are running without any valid license.

4. Now, the Contempt Petition is filed only against the official respondents. Therefore, the grievance of the petitioner is that the named official respondents have failed to take action to prevent the private respondents from carrying on Brick Chamber business.



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5. In the status report filed by the 4th respondent, it is stated that immediately after the order passed by this Court, inspection was conducted by the Tahsildar of Srivaikundam and Eral Taluks, the Sub Collector, Thoothukudi and Revenue Divisional Officer, Tiruchendur and they have taken action against the Brick Chamber owners who have involved in un-authorised quarrying and transporting brick earth. Apart from initiating action against several individuals, it is also reported that no further license or leases were granted to them. They have also indicated the persons who have obtained renewal of licences and also undertook that they will not permit those have not renewed the licence to conduct the business.

6. In such circumstances, the status report appears to be fair and it shows compliance of the interim order passed by this Court. Hence, recording the compliance, the Contempt Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
27.07.2023

NCC : Yes / No
Index : Yes / No
sj



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