



W.P.(MD)No.17786 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17786 of 2021

and

W.M.P.(MD)Nos.14660 and 14661 of 2021

Esakivel

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhuangar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhuangar District.
- 3.The Assistant Director,
Mines & Minerals Department,
Virudhuangar District.
- 4.The Inspector of Police,
A.Mukkularm Police Station,
Thiruchuli Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Pulvaikarai Group,
Thiruchuli Taluk,
Virudhunagar District.

6.Nethaji

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 to 4 to close down the operation of the Quarry for the illegal act of the 6th Respondent in gross violation of the terms and conditions of the permit issued by the 1st Respondent vide proceedings in Na.Ka.KV3/126/2019 dated 07.01.2021 and to nominate a Government Official to monitor the operation of the Quarry of the 6th Respondent, based on the Petitioners representation dated 26.09.2021

For Petitioner : Mr.R.Murugan
For R1 to R3 & R5: Ms.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.R.Sivakumar
Government Advocate

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents 1 to 4 to close down the quarrying operation conducted by the sixth respondent in violation of the terms and conditions of the permit issued to the sixth respondent by the first respondent through proceedings dated 07.01.2021.

2.Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 to 3 and 5 and the learned counsel for the fourth respondent.



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3.The main grievance that was expressed by the petitioner is that he is the owner of the tipper lorry and the tipper lorry had carried 6 units of gravel load, which was taken from the quarry that is operated by the sixth respondent. The lorry was intercepted by the fifth respondent and it was seized. Thereafter, a case came to be registered in Crime No.68 of 2021 for the offence under Section 379 IPC r/w 21 (1) of the Mines and Minerals (Development and Regulations) Act, 1957.

4.The further case of the petitioner is that he approached the fourth respondent police and sought for release of the vehicle. The petitioner came to know that the sixth respondent had manipulated the documents and had illegally transported the gravel in gross violation of the permit. That apart, there was some manipulation in the trip sheet that was issued, wherein there were discrepancies in the hologram serial numbers. Therefore, according to the petitioner, he suffered irreparable loss and hardship due to the illegality committed by the sixth respondent. Hence, a representation was made to the respondents 1 to 4 to cancel the permit granted in favour of the sixth respondent. Since the same was not considered, the present writ petition has been filed before this Court.



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5.The learned Government Advocate appearing on behalf of the fourth respondent submitted that initially, the lorry driver, namely, Muthukrishnan and owner of the lorry, namely, Esakivel were added as accused in the FIR. During the course of investigation, it came to light that the sixth respondent had also committed illegality in this case and therefore, he has been added as A3 in the final report. The learned counsel submitted that the final report is going to be filed as against five accused persons and produced the draft final report before this Court.

6.It is clear from the above that the sixth respondent has indulged in some illegality and it runs contrary to the terms and conditions of the permit issued to the sixth respondent by the first respondent. Hence, the first respondent has to necessarily act upon the representation made by the petitioner on 26.09.2021.

7.In view of the above discussion, there shall be a direction to the first respondent to consider the representation made by the petitioner on 26.09.2021 and to take a decision in accordance with law after affording opportunity to the petitioner and sixth respondent. This process shall be completed by the first respondent within a period of six weeks from the date of receipt of a copy of



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this order. It is made clear that the observation made by this Court in this writ petition will not be come in the way of the petitioner while taking the defense in the criminal case and it is left open to the petitioner to take his defense, which will be considered independently by the concerned Court.

8.This Writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

08.11.2023

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

- 1.The District Collector,
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- 3.The Assistant Director,
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N.ANAND VENKATESH, J.

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4.The Inspector of Police,
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5.The Village Administrative Officer,
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