



W.P.(MD)No.22831 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22831 of 2021

Theni Mavatta Tipper Lorry Urimaiyalargal
Matrum Ottunargal Nala Sangam,
represented by its President, K.Honest Raj,
Theni District- 625 556.

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Superintendent of Police,
Office of the Superintendent of Police, Theni District.

3.The Assistant Director,
Geology and Mines Department, Theni District.

4.The Tahsildar,
Uthamapalayam Taluk, Uthamapalayam, Theni District.

5.The Tahsildar,
Bodinaickanur Taluk, Bodinaickanur, Theni District.

6.G.Shanmugavalli

7.Sasi

8.K.Karthick

9.P.Pothiraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 herein to cause inspection of the illegal quarrying places namely in Survey Nos.1665/1 and 1665/2 at Cumbum village and Survey Nos. 401/2, 402/2, 404/1A and 404/1B at Pulikuthi Village, Uthamapalayam Taluk and Boothipuram village, Bodinaickanur Taluk, Theni District and to take appropriate action against the persons carrying illegal quarrying activities by considering the petitioner's representations dated 19.08.2021 and 02.09.2021.

For Petitioner :Mr.M.Arun Srivatsava
For R1, R3 to R5 :Mr.A.K.Manikkam
Special Government Pleader
For R2 :Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to act upon the representations made by the petitioner on 19.08.2021 and 02.09.2021, wherein, the petitioner is alleging illegal quarrying that is taking place at Cumbum Village and Pulikuthi Village and for taking action against the persons involved in illegal quarrying and to stop the illegal quarrying.



2. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of respondents 1, 3 to and 5 produced the written instructions received from the third respondent and it will be beneficial to extract the relevant portions hereunder:

“1. (i) A quarry lease was granted to Thiru. P.Pothiraj for quarrying of Earth in S.F.Nos. 1665/1 and 1665/2 over an extent of 1.11.5 Hectare in Cumbam Village, Uthamapalayam Taluk, Theni District for a period of 11 months by the Assistant Director, Geology and Mining, Theni vide proceedings Roc.No. 1034/Mines/2020, dated: 26.02.2021, valid from 26.02.2021 to 25.01.2022. The quarry lease was under operation for one month only from 09.08.2021 to 27.08.2021 and the lease expired on 25.01.2022.

2. (i) A Gravel quarry lease was granted to Thiru.G.Karthick for quarrying of Gravel in S.F.Nos.401/2, 402/2, 404/1A, 404/1B over an extent of 2.15.00 Hectare in Pulikuthi Village, Uthamapalayam Taluk, Theni District for a period of 2 years by the District Collector, vide proceedings Roc.No.222/Mines/2018, dated: 09.07.2020. The lease period valid from 09.07.2020 to 08.07.2022.

(ii) The lease area granted to Thiru.G.Karthick in S.F.Nos. 401/2, 402/2, 404/1A, 404/1B over an extent of 2.15.00 Hectare in Pulikuthi Village was inspected. During the inspection it was noticed that the lessee has quarried and transported 909 cbm of Gravel illegally from the adjoining non lease area in S.F.No. 402/1 of Pulikuthi village illegally. The quarry operation was stopped from 25.08.2021 and the lease period was expired on 08.07.2022. For the illegal quarrying of 909 com of Gravel the penalty amount of Rs.6,25,392/- was imposed by the Revenue Divisional Officer, Uthamapalayam vide proceeding Roc.No. 1800/2021/A4, dated:28.09.2021 on lessee Thiru.G.Karthick. The same was remitted by the lessee Thiru.G.Karthick to Government Account vide challan No.20220517002649, dated: 17.05.2022.

(iii) An appeal petition prepared by Thiru.G.Karthick



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before the Commissioner of Geology and Mining, Chennai with a prayer to extent the lease period for the period of 11 months for quarrying remaining unquarried 23,318 cbm of Gravel from the said lease granted area.

(iv) Accordingly, the Commissioner of Geology and Mining, Chennai vide proceedings Roc.No.287/MM6/2023, dated:25.01.2023 has extended the quarry lease period for a period of 10 months for quarrying of Gravel in SF Nos 401/2, 402/2 404/1A, 404/1B over an extent of 2.15.00 Hectare in Pulikuthi Village, Uthamapalayam Taluk, Theni District and subsequently the lease period was extended from 25.01.2023 to 24.11.2023. The lessee has obtained transport permit from 03.03.2023 to 08.08.2023 and quarry operation was stopped from 08.08.2023.

In view of the above it is submitted that the Earth quarry lease granted to Thiru.P.Pothiraj, in S.F.Nos.1665/1 and 1665/2 over an extent of 1.11.5 Hectare in Cumbam Village, Uthamapalayam Taluk, Theni District already expired on 25.01.2022. The quarry lease granted to Thiru.G.Karthick in S.F.Nos. 401/2, 402/2, 404/1A, 404/1B over an extent of 2.15.00 Hectare in Pulikuthi Village, Uthamapalayam Taluk, Theni District was non operation from 08.08.2023 and lease will be expired on 24.11.2023. The penalty amount of Rs.6,25,392/- was imposed by the Revenue Divisional Officer, Uthamapalayam vide proceeding Roc.No. 1800/2021/A4, dated:28.09.2021 on lessee Thiru.G.Karthick and the same was remitted by the lessee Thiru.G.Karthick to Government Account vide challan No. 20220517002649, dated: 17.05.2022 for illegal quarrying of Gravel in S.F.No.402/1 of Pulikuthi Village, Uthamapalayam Taluk.”

3.The learned Government Advocate appearing on behalf of the second respondent submitted that already an FIR has been registered in Cr.No.1146 of 2021 by the Chinnamanur Police Station, Theni, as against the wife of the seventh respondent for the offences punishable under



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Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957.

4.Heard Mr.M.Arun Srivatsava learned Counsel appearing on behalf of the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing on behalf of the respondents 1, 3 to 5 and Mr.R.Sivakumar, learned Government Advocate (Crl.side) appearing on behalf of the second respondent.

5.On carefully going through the written instructions, it is seen that the lease was granted in favour of the ninth respondent for quarrying in S.F.Nos.1665/1 and 1665/2 over an extent of 1.11.5 hectares at Cumbum Village. This lease was for the period from 26.02.2021 to 25.01.2022 and the lease period had already come an end. Likewise, the lease was granted in favour of the eighth respondent for quarrying gravel in S.F.Nos.401/2, 402/2, 404/1A and 404/1B over an extent of 2.15.00 hectares at Pulikuthi Village for a period of two years and the lease period is coming to end on 24.11.2023.



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6.It is further stated that an inspection was conducted insofar as quarrying that was done at Pulikukthi Village and it was noticed that excess gravel was illegally transported from the adjoining non lease area. Accordingly, penalty was imposed by the Revenue Divisional Officer, Uthamapalayam, through proceedings dated 28.09.2021 against the eighth respondent. The eighth respondent also remitted the penalty on 17.05.2021.

7.In view of the above, the quarrying insofar as Cumbum village is concerned, the period has already come to an end on 25.01.2022. Insofar as Pulikuthi village is concerned, the period is coming to end tomorrow, ie., on 24.11.2023. Wherever violations were found, penalty was imposed and FIR has also been registered for illegal transportation, by the concerned Police. Taking into account the written instructions received from the third respondent and as a result of the subsequent developments, this Writ Petition is disposed of. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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N.ANAND VENKATESH, J.

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