



W.P.(MD) No.26563 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.26563 of 2022
and
W.M.P.(MD) Nos.22143 & 22144 of 2022**

Jahabar Ali

... Petitioner

-vs-

1.The District Collector / Chairman
District Rural Development Agency
Pudukkottai District, Pudukkottai

2.The District Revenue Officer
Pudukkottai District, Pudukkottai

3.The Tahsildar
Thirumayam Taluk
Pudukkottai District

4.The Revenue Divisional Officer
Pudukkottai District
Pudukkottai

5.Assistant Director
Department of Geology and Mining
Pudukkottai District, Pudukkottai

6.Udhayakumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 5 to take action against the sixth respondent based upon the representation made by the petitioner dated 29.10.2022.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for Mr.A.Arunprasad

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.RA.Ramachandran for R1 to R5
Mr.P.Ganapathi Subramanian for R6

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this public interest litigation seeking to take action against the sixth respondent for illegal quarrying operation in Nampiyan Kanmai situated in Survey No.350 of Athanoor Village, Thirumayam Taluk, Pudukkottai District, without getting any environmental clearance from the Authority concerned.

2. Learned Senior Counsel appearing for the petitioner submitted that though the petitioner submitted a representation to the official



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respondents ventilating the above grievance as early as on 29.10.2022, till date no response is forthcoming.

3. Learned counsel appearing for the sixth respondent, on instructions, submitted that the sixth respondent has obtained necessary permission from the Authority concerned for removal of gravel sand to the tune of 8000 cubic meter and therefore, he has not violated any of the terms and conditions imposed by the official respondents.

4. Learned counsel for the sixth respondent further submitted that the allegation of the petitioner is that the sixth respondent is quarrying gravel sand more than the permissible limit and selling the same to the third parties. Therefore, a detailed enquiry may be conducted into the petitioner's allegation and if any irregularity is found, necessary action may be taken against the sixth respondent as per the terms and conditions of the agreement.

5. Learned Additional Advocate General appearing for the official respondents, on instructions, submitted that the District Collector, Pudukkottai District, will conduct a detailed enquiry into the allegation made



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by the petitioner and if any irregularity / violation is found, necessary action will be taken in accordance with law.

6. In view of the above submissions, the first respondent is directed to conduct a detailed enquiry, based on the petitioner's representation dated 29.10.2022, after giving due opportunity to the sixth respondent, and if any irregularity / violation is found on the part of the sixth respondent as alleged by the petitioner, necessary action shall be taken against him in accordance with law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[L.V.G., J.]

22.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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