



W.P(MD)No.25394 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25394 of 2023

and

W.M.P(MD)Nos.21558 & 21559 of 2023

G.Thirupathi Venkatachalapathy

... Petitioner

Vs.

1.The Director of Geology and Mining,
Guindy,
Chennai – 32.

2.The District Collector,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

4.The Tahsildar,
Kayathar Taluk Office,
Thoothukudi District.

5.K.Murugesan

... Respondents



W.P(MD)No.25394 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned Stone Quarry Permission Order in Na.Ka.No.G.M.1/903/2021 dated 03.07.2023 on the file of the second respondent by violating the Rule 36(1)-A(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and quash the same as illegal.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.4

Mrs.W.Pamlin for R.5

ORDER

Heard both sides.

2.The petitioner questions the impugned order granting quarry license in favour of the fifth respondent on the grounds set out in the affidavit filed in support of the writ petition.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.



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One of the grounds urged by the petitioner is that the grant of license violates the distance rule. According to the petitioner his house is located within 282 meters from the quarry site.

4.These factual aspects are contested and controverted both by the official respondents as well as by the licensees. Since factual aspects are involved, the writ Court will not be justified in going into the same. In any event, the petitioner has an effective remedy before the appellate authority.

5.Granted liberty to the petitioner to pursue the appeal remedy, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

MGA

To

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Chennai – 32.
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Thoothukudi District.
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