



W.P(MD)No.25851 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.10.2023

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THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

W.P(MD)No.25851 of 2023

J.Jeevakumar Immanuel Joseph

.. Petitioner

VS

- 1.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.
- 2.The District Collector,
Collectorate at Theni District,
Theni District – 625 531.
- 3.The Assistant Director of Geology and Mining,
Madurai Road,
Theni District – 625 531.
- 4.The Assistant Director of Geology and Mining,
Madurai Road,
Theni District – 625 531.
- 5.The Tahsildar,
Uthamapalayam,
Theni District.
- 6.P.Durai Raj



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7.The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

.. Respondents

[R7 impleaded *suo motu* by order dated 31.10.2023
in W.P(MD)No.25851 of 2023]

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the first respondent to consider and take action on the petitioner's representation dated 04.08.2023 with regard to the illegal mining/unauthorized mining carried out by the sixth respondent in Survey Nos.827/4 and 101/5 at Seepalakottai Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.M.Ramalingam

For RR 1 to 5 & 7 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned Writ Petition has been filed as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of brevity].



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2.Short facts are that sixth respondent (private respondent)

has been granted a quarry lease for quarrying rough stone in patta lands comprised in 'Survey Nos.827/1, 827/2, 827/3 and 828/1 in Seepalakkottai Village, Uthamapalayam Taluk, Theni District' [hereinafter 'said lands' for the sake of convenience and clarity]; that penalty was levied *inter alia* for quarrying in adjacent lands [S.F.Nos.827/4 and 101/15]; that the matter travelled upto Commissioner of Geology and Mining, Chennai, who made an order dated 22.02.2023 bearing RoC.No.1308/MM6/2023 accepting the penalty remitted by sixth respondent and permitting further mining upto 14.11.2024; that the petitioner has no objection or grievance about the quarry lease qua said lands [four survey numbers] or quarrying by sixth respondent therein; that PIL petitioner's grievance is only with regard to 'alleged quarrying in adjacent lands i.e., Survey Nos.827/4 and 101/15 at Seepalakkottai Village, Uthamapalayam Taluk, Theni District' [hereinafter 'subject matter adjacent lands' for the sake of convenience]; that the petitioner sent a representation dated 04.08.2023; that the jurisdictional 'Revenue Divisional Officer' [hereinafter 'RDO' for the sake of brevity] i.e., RDO, Uthamapalayam has initiated an



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enquiry and has issued a hearing notice dated 30.08.2023 bearing Reference No.2257/2022/A4; that under such circumstances PIL petitioner has filed captioned Writ Petition in this Court on 19.10.2023 *inter alia* seeking a direction to the first respondent to consider and take action qua representation dated 04.08.2023 with regard to alleged illegal mining/unauthorized mining in subject matter adjacent lands [S.F.Nos. 827/4 and 101/15].

3.Today Mr.M.Ramalingam, learned counsel for PIL petitioner, is before us on the 'Video Conferencing platform' [VC platform]. To be noted, this is a hybrid hearing.

4.Adverting to the aforesaid proceedings, learned counsel for PIL petitioner reiterated the aforementioned prayer.

5.Issue notice to official respondents.



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6.Mr.P.Thilak Kumar, learned Government Pleader accepts notice for official respondents [respondents 1 to 5]. As regards sixth respondent [private respondent], we are acutely conscious that sixth respondent is not before us and we will be putting in a safety valve infra in this regard.

7.On accepting notice, learned Government Pleader, on instructions, submitted that the proceedings before the jurisdictional RDO have been brought to the notice of this Court by PIL petitioner himself. In this view of the matter, we deem it appropriate to scan and reproduce the aforementioned 30.08.2023 hearing notice issued by the jurisdictional RDO and the same is as follows:



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மொழிகள்: 2257/2022/து.உ

வருவாய் கோட்டாட்சியர் அலுவலகம்,
உத்தமபாளையம்,
தூண்: 30.08.2023

விசாரணை அனுமதிப்பாணை

மொழிகள்:	கவிரங்குநாய் குவாரிக்குதல் - சிறு களியம் - உடைகல் மற்றும் கிராவல் - தெளி மாலட்டம் - உத்தமபாளையம் வட்டம் - சிப்பாலக்கோட்டை கிராமம் - பட்டா புல எண்கள்: 827/1,827/2,827/3,828/1-ல் விஸ்தீரணம் 3.49.5 ஹெக்டேர் பரப்பில் உடைகல் மற்றும் கிராவல் வெட்டி எடுக்க உரிமை வழங்கியது - சென்னை அமைச்சர் பங்களைக்கழக Dromes மூலம் அளவை செய்யப்பட்டது - புல எண்: 827/4,101/15 ஆயிவற்றில் அரசு அனுமதியின்றி குவாரி பணிகள் மேற்கொண்டது - புனர் மறு வரப்பெற்றது - தொடர்பாக.
பார்வை:	J.Jeevakumar, General Secretary, T.U.C.T. Tamilnadu State Committee, No. 2/4, 4 th Street Jayalakshmi Nagar, Kattupakam, Chennai-600056. Dt: 22.07.2023.

உத்தமபாளையம் வட்டம், சிப்பாலக்கோட்டை கிராமம், பட்டா புல எண்கள்: 827/1,827/2,827/3,828/1-ல் விஸ்தீரணம் 3.49.5 ஹெக்டேர் பரப்பில் உடைகல் மற்றும் கிராவல் வெட்டி எடுக்க உரிமை வழங்கியது, சென்னை அமைச்சர் பங்களைக்கழக Dromes மூலம் அளவை செய்யப்பட்டது, புல எண்: 827/4,101/15 ஆயிவற்றில் அரசு அனுமதியின்றி குவாரி பணிகள் மேற்கொள்ளப்பட்டு விட்டிருக்கின்றன எனத் தெரிவிக்கப்பட்டுள்ளதாக பார்வையிட்டுள்ளதும், புனர் மறு வரப்பெற்றது.

எனவே இப்போது தொடர்பாக உத்தமபாளையம் வருவாய் கோட்டாட்சியர் அலுவலகத்தில் உத்தமபாளையம் வருவாய் கோட்டாட்சியர் மூலமாக 4.9.2023-ஆம் தேதி பற்பாசல் 3.00 மணிக்கு விசாரணைக்கு அனுப்பி உரிமை தரப்பி விளக்கத்தினை தெரிவிக்குமாறு கேட்டுக்கொள்ளப்படுகிறது.

தூண்/இரா.பால்பாண்டி,
வருவாய் கோட்டாட்சியர்,
உத்தமபாளையம்.

/உ.த.உ.ப./

மேற்படி உத்தியோகம்:

1. திரு. துரைராஜ்,
த.பெ.ஏ.ம.சி.பெ.டி.பி.டி.
வா-2, தூண்: 125,
மேற்பாசல் கிராமம் தென்,
செப்பம் பட்ட, காமாட்சிபுரம் - கிராம நிர்வாக அலுவலர் மூலம் என்டி செப்பம் பொருட்டு.

2. J.Jeevakumar,
General Secretary,
T.U.C.T. Tamilnadu State Committee,
No. 2/4, 4th Street Jayalakshmi Nagar,
Kattupakam, Chennai-600056.



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8. Ideally PIL petitioner should have arrayed the jurisdictional RDO as respondents, but unfortunately the same has not been done. Considering the facts and circumstances of the case, making an exception as a one of case, we *suo motu* implead the jurisdictional RDO [Revenue Divisional Officer, Uthamapalayam Taluk, Theni District] as seventh respondent.

9. Registry is directed to carry out necessary and consequential amendments in the case file before uploading this order/before furnishing certified copy of this order to anyone.

10. Mr. P. Thilak Kumar, learned Government Pleader, accepts notice for seventh respondent also.

11. In the aforementioned scenario, learned counsel for petitioner submitted that petitioner went before seventh respondent on 04.09.2023 and gave a statement in the hearing. We therefore deem it appropriate to dispose of the captioned Writ Petition by saying that



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seventh respondent shall now proceed with aforementioned விசாரணை அழைப்பாணை, carry it to its logical end and conclude it, if not already concluded. In this regard, we find that விசாரணை அழைப்பாணை dated 30.08.2023 has been sent to both PIL petitioner as well as sixth respondent. This means that sixth respondent is being given an opportunity of being heard by seventh respondent. This by itself acts as a safety valve, which has been alluded to supra in the earlier part of this order. We make it clear that seventh respondent shall decide the matter on its own merits and in accordance with law while concluding the same [if not already concluded] after giving adequate opportunity to sixth respondent. This is more so, as captioned PIL petition is being disposed of in the Admission Board.

12.Though obvious, we make it clear that all the rights and contentions of sixth respondent are preserved for being canvassed before seventh respondent or in any other collateral, connected or further proceedings and we also deem it appropriate to make it clear that we have not expressed any view or opinion on the merits of the matter and it is the domain of seventh respondent to consider the matter on its



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own merits and in accordance with law vide the quasi judicial drill now
underway.

13.Captioned Writ Petition is disposed of in the aforesaid manner with aforesaid directive, observation and preservation of rights in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
31.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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