



W.P(MD)No.29293 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.29293 of 2022  
and  
W.M.P(MD)No.23285 of 2022**

A.Mathavan

... Petitioner

VS.

- 1.The District Collector,  
Ramanathapuram District.
- 2.The Assistant Director (i/c),  
Geology and Mining,  
Ramanathapuram.
- 3.The Executive Engineer (Mines and Minerals),  
Public Works Department,  
Thallakulam,  
Madurai – 02.
- 4.The Revenue Divisional Officer,  
O/o. The Revenue Divisional Officer,  
Ramanathapuram.
- 5.The Tahsildar,  
Tiruvadanai Taluk,  
Ramanathapuram.



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6.The Village Administrative Officer,  
Oriyur Village,  
Sirugambaiyur,  
Ramanathapuram.

7.Aadhi Moomi Mining and Enviro Tech Private Limited,  
Represented by its EIA Co-ordinator (Mining),  
S.Suriyakumar.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to prevent the illegal quarrying of sand in sand quarry No.7825 operating at an extent of 2.10.0 hectares in S.F.No.219(P), Pambar River in Oriyur Village, Thiruvadanai Taluk, Ramanathapuram and consequently to seize the equipment's such as machinery, lorry, poclains and other equipment's used for illegal and indiscriminate quarrying and transporting the sand.

For Petitioner : Mr.N.Ganesh

For RR 1 to 6 : Mr.R.Baskaran  
Additional Advocate General  
Assisted by  
Mr.S.R.A.Ramachandran  
Additional Government Pleader

### **ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to prevent the illegal quarrying

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of sand in sand quarry No.7825 operating to an extent of 2.10.0 hectares in S.F.No.219(P), Pambar River in Oriyur Village, Thiruvadanai Taluk, Ramanathapuram and consequently to seize the equipment such as machinery, lorry, poclains and other equipment's used for illegal and indiscriminate quarrying and transporting the sand.

2.The petitioner has filed the present Writ Petition as a 'Public Interest Litigation' seeking to prevent the illegal quarrying made by the seventh respondent.

3.According to the petitioner, the 7<sup>th</sup> respondent being a successful bidder obtained rights to operate a sand quarry on the abovesaid survey number subject to the condition imposed by the Revenue Divisional Officer and Environment Clearance from State Level Environment Impact Assessment Authority, Tamil Nadu for quarrying 19,772 cubic metre of sand and 13,383 cubic metre of shoals in Pambar river for a period of one year, with a depth of the sand quarrying shall be restricted to 1 metre. The 7<sup>th</sup> respondent, in violation of rules, has been doing excessive and indiscriminate sand quarrying by using number of poclain's for scooping the sand upto 3 metre depth affecting the normal water course and also the



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equality of the stream. Therefore, the Villagers have sent various representations including the representation, dated 10.12.2022 to the respondents 1 to 6 to prevent the illegal quarrying of the sand beyond the prescribed limit of 1 metre. Till date, no action has been taken by the respondents 1 to 6. Hence, the petitioner has filed the present Writ Petition.

4.The learned Additional Advocate General appearing for the respondents 1 to 6 submitted that the respondents 1 to 6 will take strict action against the 7<sup>th</sup> respondent if he violated any of the conditions imposed by the authority concerned and he further submitted that the petitioner has not produced any relevant document in support of his contention in the Writ Petition. Therefore, the Writ Petition filed by the petitioner in the interest of Public Interest Litigation is liable to be rejected.

5.In view of the abovesaid submission, agreeing to the contention made by the learned Additional Advocate General that the petitioner has not placed any document or any other supporting material before this Court for the alleged illegal quarrying operation taking place in the aforesaid land, prima facie, we are not inclined to entertain the Writ Petition.

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6.At this juncture, it is appropriate to refer to the following observation made by the Apex Court in **Ashok Kumar Pandey vs. State of West Bengal and others** reported in **(2004) 3 SCC 349**, the Apex Court at paragraphs 5 to 16, held as follows:-

*“16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations, whereas only a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts at times are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra (1998) 7 SCC 273, this Court held that in service matters PILs should not be entertained, the inflow of the so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. This tendency is being slowly permitted to percolate for setting in motion criminal law jurisdiction, often unjustifiably just for gaining publicity and giving adverse publicity to their opponents. The*



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*other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out whether it was a bona fide venture. Whenever such frivolous pleas are taken to explain possession, the court should do well not only to dismiss the petitions but also to impose exemplary costs, as it prima facie gives impression about oblique motives involved, and in most cases shows proxy litigation. Where the petitioner has not even a remote link with the issues involved, it becomes imperative for the court to lift the veil and uncover the real purpose of the petition and the real person behind it. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforesaid so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts."*

7. Public interest litigation is an extremely important jurisdiction exercised by the Supreme Court and the High Courts. The Apex Court in ***Neetu v. State of Punjab, (2007) 1 SCC 614***, held that when a particular person is the object and target of a petition styled as public interest



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litigation, the Court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grouse or some other mala fide object.

8. That apart, in ***State of M.P. Vs. Narmada Bachao Andolan, (2011) 7 SCC 639***, the Apex Court has held as follows:-

*"13. Strict rules of pleading may not apply in PIL, however, there must be sufficient material in the petition on the basis of which the court may proceed.*

*The PIL litigant has to lay a factual foundation for his averments on the basis of which such a person claims the reliefs. The information furnished by him should not be vague and indefinite. Proper pleadings are necessary to meet the requirements of the principles of natural justice. Even in PIL, the litigant cannot approach the court to have a fishing or roving enquiry. He cannot claim to have a chance to establish his claim. However, the technicalities of the rules of pleading cannot be made applicable vigorously. Pleadings prepared by a layman must be construed generously as he lacks the standard of accuracy and precision particularly when a legal wrong is caused to a determinate class."*



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9.Considering the submissions as well as the decisions cited supra, we are not inclined to entertain the Writ Petition and the same is dismissed. However, this order will not preclude the first respondent to take action in accordance with the Rules, if there is any violation made by the 7<sup>th</sup> respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

**[D.K.K.,J.] [R.V.,J.]**  
**02.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps

To

- 1.The District Collector,  
Ramanathapuram District.
- 2.The Assistant Director (i/c),  
Geology and Mining,  
Ramanathapuram.
- 3.The Executive Engineer (Mines and Minerals),  
Public Works Department,  
Thallakulam,  
Madurai – 02.

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- 4.The Revenue Divisional Officer,  
O/o. The Revenue Divisional Officer,  
Ramanathapuram.
- 5.The Tahsildar,  
Tiruvadanai Taluk,  
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**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

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**ORDER MADE IN**  
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