



W.P(MD)No.29029 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P(MD)No.29029 of 2023

E.Sudalai

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by the Additional Secretary to Government,
Department of Industries,
Fort St. George, Secretariat,
Chennai – 9.
- 2.The Commissioner,
Revenue Administration,
Ezhilagam,
Chepauk, Chennai – 32.
- 3.The Director,
Department of Geology and Mining,
SIDCO Industrial Estate,
Guindy, Chennai – 32.
- 4.The District Collector,
Collectorate,
Thoothukudi District.
- 5.The Executive Engineer,
Thamirabarani River Basin Division,
PWD/WRO, Thoothukudi District.



W.P(MD)No.29029 of 2023

6.The Deputy Director,
Mines and Minerals,
Thoothukudi,
Thoothukudi District.

7.The Tahsildar,
Eral Taluk,
Thoothukudi District.

8.The Village Administrative Officer,
Perungulam Village,
Eral Taluk,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents No.3 and 4 to conduct enquiry and take necessary action against the respondents Nos.6 to 8 for dereliction of duty by not reporting about the illegal commercial quarrying of taking sand and silt soil in Perungulam Tank in Survey No.28/1, Eral Taluk, Thoothukudi District in the name of Agricultural purpose made by the individuals and directing the respondents Nos.3 and 4 to strictly follow the guidelines in Rule 12 of Tamil Nadu Minor Minerals Concession Rules 1959 and G.O.Ms.No.50 (Industrial Department) dated 27.04.2017 while granting permission for taking sand or silt soil for agricultural purpose in future.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.P.Thilak Kumar,
Government Pleader.



W.P(MD)No.29029 of 2023

ORDER

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

Captioned 'Writ Petition' ('WP' for the sake of brevity) has been presented in this Court on 04.12.2023 as a 'Public Interest Litigation' ('PIL' for the sake of brevity).

2. Factual matrix in a nutshell is that the subject matter is quarrying of sand and silt soil from 'Perungulam Tank in S.No.28/1, Eral Taluk, Thoothukudi District' (hereinafter 'said Tank' for the sake of convenience and clarity); that it is the grievance of PIL petitioner that the provisions of 'Tamil Nadu Minor Minerals Concessions Rules, 1959' (hereinafter 'said Rules' for the sake of convenience and clarity) and 'G.O.Ms.No.50, (Industrial Department), dated 27.04.2017' (hereinafter 'said GO' for the sake of convenience and clarity) have been given a go by while permission for mining in said Tank was granted; that it is the case of WP petitioner that he has filed the captioned matter espousing the cause of the local populates / citizenry which has concern for said Tank.



W.P(MD)No.29029 of 2023

WEB COPY 3. Issue notice.

4. Mr.P.Thilak Kumar, learned Government Pleader accepted notice for all eight respondents.

5. Owing to the limited scope of captioned WP and the trajectory which the matter is taking, (to be noted, trajectory will be evident from what is set out infra) with the consent of both sides, main WP was taken up and heard out.

6. Learned State Counsel submitted, on instructions, that PIL petitioner has mentioned in the support affidavit that permission has been granted for quarrying said Tank in favour of two individuals but it is actually in favour of five individuals (three individuals for the period from 05.10.2023 to 11.10.2023 and two individuals for the period from 12.10.2023 to 18.10.2023). Learned Government Pleader submits that permission was for removing clay sand for agricultural purpose but *inter alia* after taking into account objections from the villagers and considering several other factors, all five permissions were since



W.P(MD)No.29029 of 2023

cancelled. The permission was since cancelled is not subjected to any
disputation or contestation by PIL petitioner.

7. As regards the original permission having been granted in violation of said Rules and said GO, considering the acute angle on which the captioned WP turns, we express no opinion in this WP but the question will remain open in the days to come, if similar matters come up.

8. Captioned WP is disposed of in the aforesaid manner. As regards the cancellation, rights and contentions of all parties including the persons in favour of whom permission was granted are preserved for being canvassed in any collateral or connected proceedings if any. This is more so as we are acutely conscious that the persons in favour of whom permission was granted are not before us. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
11.12.2023

Index : Yes/No
Neutral Citation : Yes/No
vsm



W.P(MD)No.29029 of 2023

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W.P(MD)No.29029 of 2023

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