



WEB COPY

W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.982, 1245 to 1247 & 1249 of 2021
and
C.M.P.Nos.6081, 7997, 7998 & 8001 of 2021

W.P.No.982 of 2021

R.Vijayakumar

... Appellant

Vs.

1. K.Raj Kumar
2. The District Collector,
District Collectorate,
State Bank Road,
Coimbatore - 641 018.
3. The Commissioner,
The Director of Town and Country Planning,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.
4. The Commissioner,



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Department of Geology and Mining,
Guindy,
Chennai - 600 032.

5. The Member Secretary,
The Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Sivananda Colony,
Coimbatore - 641 012.
6. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Coimbatore - 641 018.
7. The District Registrar,
District Registrars Office,
Collectorate Compound,
State Bank Road,
Coimbatore - 641 018.
8. The Sub-Registrar,
Singanallur Sub Registrar Office,
Pechiannan Devar Complex,
Chinthamani Pudur,
Coimbatore - 641 016.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 09.11.2020 passed in W.P.No.9668 of 2019.

For Appellant	: Mr.V.Raghavachari Senior Counsel for Mr.Govind Chandrasekhar
For R1	: Mr.Abdul Saleem Senior Counsel



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

for Mr.M.Vijayamehanath

For R2 to R4
& R6 to R8

: Mr.Stalin Abhimanyu
Additional Government Pleader

For R5

: Mr.D.Gopal
Government Advocate

W.A.No.1245 of 2021

R.Vijayakumar

... Appellant

Vs.

1. The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 059.
2. The District Collector,
District Collectorate,
State Bank Road,
Coimbatore - 641 018.
3. The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai - 600 032.
4. The Assistant Director,
Department of Geology and Mining,
District Collectorate,



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Coimbatore - 641 018.

5. The Block Development Officer,
Sulthanpet Panchayat Union,
Coimbatore.

6. K.Raj Kumar

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 09.11.2020 passed in W.P.No.73 of 2020.

For Appellant : Mr.V.Raghavachari
Senior Counsel
for Mr.Govind Chandrasekhar

For R1 to R5 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R6 : Mr.Abdul Saleem
Senior Counsel
for Mr.M.Vijayamehanath

W.A.No.1246 of 2021

R.Vijaykumar

... Appellant

Vs.

1. K.Raj Kumar
2. The Principal Secretary,
Industries Department,



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

3. The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 059.
4. The District Collector,
District Collectorate,
State Bank Road,
Coimbatore - 641 018.
5. The Commissioner,
The Director of Town and Country Planning,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.
6. The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai - 600 032.
7. The Member Secretary,
The Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Sivananda Colony,
Coimbatore - 641 012.
8. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Coimbatore - 641 018.



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

9. The Block Development Officer,
Sulur Panchayat Union,
Coimbatore.
10. The Block Development Officer,
Sulthanpet Panchayat Union,
Coimbatore.
11. The Sub-Registrar,
Singanallur Sub Registrar Office,
Pechiannan Devar Complex,
Chinthamani Pudur,
Coimbatore - 641 016.
12. The President/Special Officer,
Peedampalli Village,
Sulur Taluk,
Coimbatore District.
13. The President/Special Officer,
Kallapalayam Village,
Sulur Taluk,
Coimbatore District.
14. M.Devaraj ... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 09.11.2020 passed in W.P.No.23248 of 2019.

For Appellant : Mr.V.Raghavachari
Senior Counsel
for Mr.Govind Chandrasekhar

For R1 : Mr.Abdul Saleem



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Senior Counsel
for Mr.M.Vijayamehanath

For R2 to R6, R8,
R10, R11 & R13 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R7, R9 & R12 : Mr.D.Gopal
Government Advocate

For R14 : Died-steps taken

W.A.No.1247 of 2021

R.Vijaykumar

... Appellant

Vs.

1. M/s.GS and Company,
a Partnership firm,
Represented by its partner,
Mr.S.Balasubramanian.
2. The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

3. The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 059.
4. The District Collector,
District Collectorate,
State Bank Road,
Coimbatore - 641 018.
5. The Commissioner,
The Director of Town and Country Planning,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.
6. The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai - 600 032.
7. The Member Secretary,
The Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Sivananda Colony,
Coimbatore - 641 012.
8. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Coimbatore - 641 018.
9. The Block Development Officer,



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Sulur Panchayat Union,
Coimbatore.

WEB COPY

10. The Block Development Officer,
Sulthanpet Panchayat Union,
Coimbatore.
11. The Sub-Registrar,
Singanallur Sub Registrar Office,
Pechiannan Devar Complex,
Chinthamani Pudur,
Coimbatore - 641 016.
12. The President/Special Officer,
Peedampalli Village,
Sulur Taluk,
Coimbatore District.
13. The President/Special Officer,
Kallapalayam Village,
Sulur Taluk,
Coimbatore District.
14. M.Devaraj ... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 09.11.2020 passed in W.P.No.23254 of 2019.

For Appellant : Mr.V.Raghavachari
Senior Counsel
for Mr.Govind Chandrasekhar

For R1 : Mr.Abdul Saleem
Senior Counsel



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

for Mr.M.Vijayamehanath

For R2 to R6, R8,
R10, R11 & R13 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R7, R9 & R12 : Mr.D.Gopal
Government Advocate

For R14 : Died-steps taken

W.A.No.1249 of 2021

R.Vijaykumar

... Appellant

Vs.

1. P.Venkatachalam
2. The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
3. The Principal Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 059.
4. The District Collector,
District Collectorate,



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

State Bank Road,
Coimbatore - 641 018.

WEB COPY

5. The Commissioner,
The Director of Town and Country Planning,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.
6. The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai - 600 032.
7. The Member Secretary,
The Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Sivananda Colony,
Coimbatore - 641 012.
8. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Coimbatore - 641 018.
9. The Block Development Officer,
Sulur Panchayat Union,
Coimbatore.
10. The Block Development Officer,
Sulthanpet Panchayat Union,
Coimbatore.
11. The Sub-Registrar,
Singanallur Sub Registrar Office,
Pechiannan Devar Complex,
Chinthamani Pudur,



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Coimbatore - 641 016.

12. The President/Special Officer,
Peedampalli Village,
Sulur Taluk,
Coimbatore District.

13. The President/Special Officer,
Kallapalayam Village,
Sulur Taluk,
Coimbatore District.

14. M.Devaraj ... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the common order dated 09.11.2020 passed in W.P.No.23258 of 2019.

For Appellant : Mr.V.Raghavachari
Senior Counsel
for Mr.Govind Chandrasekhar

For R1 : Mr.Abdul Saleem
Senior Counsel
for Mr.M.Vijayamehanath

For R2 to R6, R8,
R10, R11 & R13 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R7, R9 & R12 : Mr.D.Gopal
Government Advocate

For R14 : Died-steps taken

COMMON JUDGMENT



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

(Common judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

WEB COPY

The common order passed in batch of writ petitions on 09.11.2020 is under challenge in the present writ appeals.

2. The complex factual situation arose with reference to the claim of the parties before us. One set of parties are quarrying operators and other set are the residents in that locality. The quarrying operators would submit that they have valid license to quarry. Equally, residents would submit that they have got building plan permission from the appropriate Authority and residing there. It is not in dispute between the parties that the quarrying operations are allowed within the prohibited area. Equally, the quarrying operators would submit that the residential building permission were granted within the prohibited area after granting license to quarry. Such nature of disputed facts are to be decided by the competent Authority based on documents and evidences available on record and by applying the rules and regulations applicable. High Court in exercise of powers of Judicial Review cannot adjudicate such disputed facts merely based on the averments made



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

between the parties.

WEB COPY

3. The learned Single Judge set aside the layout approvals and allowed the quarrying operations to go on. This created an issue amongst the parties, more specifically, the residents of that locality. We could able to find lack of co-ordination amongst the Authorities in dealing with such matters. While granting license for quarrying, the Authorities competent under the Act must ensure that the mining operations are permitted in accordance with the limits prescribed. Equally, the Authorities while sanctioning layout approval/building plan permission has to ensure that laws applicable are not violated.

4. Who committed violations at the first instance or such permissions are granted in an irregular or illegal manner are to be adjudicated in an effective manner by affording opportunity to the parties and by identifying Officials, who have committed such violations. The Officials, who have committed such illegality or violations are also be prosecuted in the manner known to law.



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

5. In view of the complex facts and circumstances, we are of the opinion that the relief granted to quarrying operators may not be approved by this Court. When the parties are claiming right based on the permissions/licenses/layouts granted, all such issues are to be adjudicated elaborately to form a final opinion. High Court ought not to have entertained such disputed issues between the parties. Therefore, we are inclined to interfere with the order impugned.

6. Accordingly, the common order dated 09.11.2020 in W.P.Nos.9668, 23248, 23254 & 23258 of 2019 and W.P.No.73 of 2020 is set aside. However, we are inclined to direct the District Collector, Coimbatore to adjudicate all the issues comprehensively by affording opportunity to all the parties and uninfluenced by the stand taken by the Authorities in the writ petitions or in the writ appeals and on merits and in accordance with the law. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time the District Collector pass final orders, the respective parties are directed to maintain *status quo* in respect of their activities as on today. The District Collector may consider further renewal of quarrying operations or



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

otherwise taking note of the factual situation⁰ prevailing in that locality.

WEB COPY

7. Accordingly, all the Writ Appeals stand **disposed of** with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [C.K., J.]
04.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Principal Secretary,

Page No.16 of 19



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 059.

3. The District Collector,
District Collectorate,
State Bank Road,
Coimbatore - 641 018.
4. The Commissioner,
The Director of Town and Country Planning,
Fourth Floor,
807, Anna Salai,
Chennai - 600 002.
5. The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai - 600 032.
6. The Member Secretary,
The Coimbatore Local Planning Authority,
Corporation Shopping Complex,
Sivananda Colony,
Coimbatore - 641 012.
7. The Assistant Director,
Department of Geology and Mining,
District Collectorate,
Coimbatore - 641 018.
8. The Block Development Officer,
Sulur Panchayat Union,
Coimbatore.



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

WEB COPY

9. The Block Development Officer,
Sulthanpet Panchayat Union,
Coimbatore.
10. The Sub-Registrar,
Singanallur Sub Registrar Office,
Pechiannan Devar Complex,
Chinthamani Pudur,
Coimbatore - 641 016.
11. The President/Special Officer,
Peedampalli Village,
Sulur Taluk,
Coimbatore District.
12. The President/Special Officer,
Kallapalayam Village,
Sulur Taluk,
Coimbatore District.

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

veda



WEB COPY



W.A.Nos.982, 1245 to 1247 & 1249 of 2021 (5 cases)

Judgment in
W.A.Nos.982, 1245 to 1247
and
1249 of 2021 (5 cases)

04.07.2024