



WEB COPY

WP No.8319 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.8319 of 2024

Mr.M.J.Sankar

.. Petitioner

-VS-

- 1.Chief Secretary,
Government of India,
Secretariat,
Chennai-600 001.
- 2.Director/D.I.G. - DVAC,
No.293, MKN Road,
Collector Nagar,
Alandur,
Chennai-600 016.
- 3.Director of Enforcement,
Pravarthan Bhavan,
Dr.APJ Abdul Kalam Road,
New Delhi-110 011.



WEB COPY

WP No.8319 of 2



4.District Collector,
Collectorate,
Krishnagiri.

5.L.Suresh,
Former Deputy Director Mines,
Krishhnagiri,
Current Designation unknown.
C/o.Commissionerate Geology and Mines,
Thiru Vi Ka Industrial Estate,
Chennai-600 03.

6.The Commissioner of Geology and Mines,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai-600 032

[R-6 suo motu impleaded as per order of
Court dated 01.04.2024 made in
WP No.8319 of 2024]

7.The District Superintendent of Police,
Krishnagiri.

[R-7 suo motu impleaded as per order of
Court dated 01.04.2024 made in
WP No.8319 of 2024]

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus, directing the respondents
to take action on the basis of petitioner's representation dated 03.01.2024
and dispose of the same.

For Petitioner : Mr.M.J.Sankar
[Petitioner-in-Person]



For Respondents-1, 2, 4
and 6

:

Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.Stalin Abhimanyu,
Additional Government Pleader.

For Respondent-3

:

Mr.N.Ramesh

For Respondent-7

:

Mr.S.Vinothkumar,
Government Advocate
(Criminal Side).

ORDER

The Writ of Mandamus has been instituted to direct the respondents to take action on the basis of the representation submitted by the writ petitioner dated 03.01.2024.

2. The representation dated 03.01.2024 addressed to the sixth respondent and few other respondents, reveals that the petitioner has raised certain serious allegations regarding illegal mining activities in Krishnagiri District. The petitioner has further raised certain personal complaints against the fifth respondent, who was holding the post of Deputy Director of Mines, Krishnagiri.



3. In view of the fact that personal allegations are raised against the former Deputy Director of Mines, this Court has impleaded the Commissioner of Geology and Mining for the purpose of initiating appropriate actions by conducting an enquiry.

4. The allegations set out in the representation reveals that the petitioner also had involved in quarrying business in his land and actions are initiated against the Authorities. While doing so, the Authorities have discriminated and allowed many such illegal minings in the District without following the due process.

5. Mr.J.Ravindran, learned Additional Advocate General would oppose by stating that the petitioner is not the owner of the subject land and no valid lease has been granted in favour of the writ petitioner for mining operations. The representation submitted by the petitioner is motivated and therefore, the present writ petition is to be dismissed *in limine*.



6. This Court is of the considered opinion that the status of the petitioner is immaterial. Even a convict in this country is entitled to establish his right or make a complaint against public servants. Therefore, persons approaching the Court on some occasions, may have some ideas. But it is the duty of the Court to find out the veracity of the allegations made or the issues, which all are of public importance.

7. In certain cases, some complaints and representations are sent with ulterior motives. But the said ground alone, cannot be taken into consideration for rejecting the writ petition, since there is a possibility of truth in such allegations. Therefore, rejecting the writ petition *in limine* is not preferable in all circumstances. The nature of allegations are to be taken into consideration before considering the motive of the writ petitioner.

8. In the present case, the petitioner raised several allegations of illegal minings in Krishnagiri District.



9. Mr.S.Vinothkumar, learned Government Advocate (Criminal Side) relied on the Status Report filed by the District Superintendent of Police, Krishnagiri District. The statistics regarding the Criminal Cases registered for illegal minings are as follows:-

“KRISHNAGIRI DISTRICT

I. Number of cases booked under Sections 378, 379 IPC

and the provisions of

Mines and Minerals Act in Krishnagiri District

from 2018 to 31.03.2024

<i>S.No.</i>	<i>Year</i>	No. of cases booked under Sections 378, 379 IPC and the provisions of Mines and Minerals Act in Krishnagiri District from 2018 to 31.03.2024				
		SAND / M.SAND	STONE	SOIL	BLUE METAL JALLY	TOTAL
1	2018	162	0	0	1	163
2	2019	210	0	0	3	213
3	2020	133	28	12	4	177
4	2021	42	32	18	2	94
5	2022	23	57	34	3	117
6	2023	62	44	48	22	176
7	2024 (UPTO 31.03.2024)	13	1	1	0	15
	Total	645	162	113	35	955



S.No.	TYPE OF VEHICLE SEIZED				
	Lorry	Tractor	Tipper Lorry	JCB	OTHER
1.					
2..	40	239	221	16	97
3.	114	17	60	2	4
4.	13	30	99	20	3
5.	6	1	40	0	2
TOTAL	173	287	420	38	106

10. It is brought to the notice of this Court that some Criminal Cases are disposed of or ended with conviction and other cases are either pending or under investigation. However, the number of cases registered would reveal that several illegal mining operations are noticed by the Authorities and Criminal Cases are registered.

11. In this context, the statement of the petitioner that illegal minings are largely going on in Krishnagiri District, cannot be brushed aside and the Authorities are duty bound to conduct inspections and if any illegality in mining operations are identified, all appropriate actions are to be initiated.



12. Mr. J.Ravindran, learned Additional Advocate General would submit that the Authorities are duty bound to conduct inspections and identify the illegal mining operations, if any and initiate actions. Since it is the bounden duty of the Officials, the complaints received regarding illegal mining operations are to be immediately attended by the Competent Authorities by conducting Field Inspections and by initiating appropriate actions.

13. The issue raised in the present writ petition is relating to illegal mining operations in Krishnagiri District. The petitioner states that large scale illegal mining operations are going on in Krishnagiri District with the connivance of the Authorities in Mining Departments and other Government Departments. Petitioner-in-person further states that mining operations are carried on beyond the permissible limits and beyond the quantity permitted under license. Such illegalities are to be addressed by the Authorities Competent and further more the collusion or corrupt activities on the part of the Authorities are to be investigated to preserve the Nation's wealth. No one is entitled to steal the property belonging to 'We the people of India'.



14. The learned Additional Advocate General states that the Authorities will identify illegal mining operations and initiate actions. When the allegations are serious in nature, the same cannot be admitted in their personal capacity, as the service of the petitioner is to only identify illegal mining operations. Being the citizen of this country, the petitioner is willing to point out the illegal mining operations in the Krishnagiri District, that cannot be prevented, since it is a right conferred under the Constitution. Thus the petitioner's right to identify the illegal mining operations are well founded and he must be given an opportunity to submit representation or complaint regarding illegal mining operations. The learned Additional Advocate General would further submit that the petitioner is not the owner of the subject land and therefore, he need not be permitted to submit his complaint.

15. Per contra, the petitioner-in-person would submit that he is ready and willing to pin point each and every illegal mining and excess quarrying operations done over and above the permissions granted, enabling this Court to initiate appropriate actions.



16. The learned Additional Advocate General has no objection for conducting an enquiry in respect of illegal mining operations and initiate all appropriate actions. The learned Additional Advocate General would further submit that it is the duty mandated on the part of of the Authorities. Therefore, lapses, in this regard are liable to be viewed seriously and the officials, if found not addressing the complaint regarding illegal mining operations, departmental disciplinary proceedings are to be initiated against those officials. Officials connived or involved in corrupt activities, are to be construed as abettors for commission of criminal offences and they are also to be impleaded as accused in the criminal case. In this context, the Superintendent of Police, Krishnagiri District should ensure that investigations are done thoroughly, so as to find out if there is any conspiracy, corrupt activities or connivance on the part of the Mining Authorities and the Revenue Authorities. If such elements are established during investigations, all those officials are bound to be prosecuted under the Criminal Law.



17. As far as the claim of the petitioner is concerned, with reference to the ownership claim, it is for him to establish the same before the Competent Court of Law. As far as the allegations of illegal mining in Krishnagiri District, are concerned, the petitioner is permitted to submit a detailed representation pointing out the irregularities, excess mining operations, violations of the Act and the Rules, connivance of the officials, corrupt activities of the officials etc. Such representation may be sent to the Commissioner for Geology and Mines, the District Collector and to the District Superintendent of Police. In the event of receiving any complaint regarding illegal mining operations, violation of the Act and the Rules, excess quarry etc., the Commissioner of Geology and Mines, the District Superintendent of Police and the District Collector, are bound to conduct a detailed investigation inquiry under the provisions of the Act and the Rules, and prosecute all persons apart from initiation of disciplinary actions against the officials, who all are responsible and accountable for illegal mining operations. The petitioner is at liberty to submit representations along with all necessary details to the officials.



18. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

15-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. Chief Secretary,
Government of India,
Secretariat,
Chennai-600 001.
2. Director/D.I.G. - DVAC,
No.293, MKN Road,
Collector Nagar,
Alandur,
Chennai-600 016.
3. Director of Enforcement,
Pravarthan Bhavan,
Dr.APJ Abdul Kalam Road,
New Delhi-110 011.
4. District Collector,
Collectorate,
Krishnagiri.
6. The Commissioner of Geology and Mines,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai-600 032.
7. The District Superintendent of Police,
Krishnagiri.



WEB COPY



WP No.8319 of 2

S.M.SUBRAMANIAM, J.

Svn

WP 8319 of 2024

15-04-2024