



W.P.No.4370 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4370 of 2021

R.Mahalingam

...Petitioner

-Vs-

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Deputy Director,
Geology and Mining,
District Collectorate Campus,
Coimbatore.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore (North),
Plot No.E-55A, SIDCO Industrial Estate,
Kurichi,
Pollachi Main Road,
Coimbatore.
4. The Tashildar,
Pollachi,
Coimbatore District.
5. The Revenue Divisional Officer,
Pollachi,
Coimbatore District.



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6. Biju
7. Rajesh Kumar
8. M.P.Jothi Lakshmi
9. Premalatha
10. K.Valsala
11. The Superintending Engineer,
TANGEDCO,
Tamil Nadu Electricity Board,
Pollachi,
Coimbatore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth respondent to implement the order passed by the fourth respondent to conduct an enquiry and to pass appropriate order in Na.Ka.2988/2019/A2 dated 01.10.2019 on the basis of the representation dated 11.10.2019 sent by the petitioner within the time fixed by this Hon'ble Court.

For Petitioner : Mr.C.Veera Raghavan

For R1, R2, R4
and R5 : Mr.E.Vijay Anand
Additional Government Pleader
For R3 : Mrs.Shanmugavalli Sekar
Standing Counsel

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the fourth respondent to implement the order passed by the fourth respondent to conduct an enquiry and to pass appropriate order in Na.Ka.2988/2019/A2 dated 01.10.2019 on the basis



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of the representation dated 11.10.2019 sent by the petitioner within the time fixed by this Hon'ble Court.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is owning agricultural land comprised in S.F.No.39/2A and 38/2D to extent of 4.04.5 hectares of punja land, situated at Servaikaran Village, Puravipalayam, Coimbatore. He had planted coconut trees, mango trees and other crops. While being so, the respondents 6 to 10, being the owners of the adjacent land comprised in S.F.No.55/2A1, 55/2A2, 55/2A3 and 55/2A4, attempted to convert the agricultural land to industry of crusher Unit M-sand manufacturing Unit. Therefore, the petitioner submitted a representation to give permission to carry out the crushing Unit.

4. While being so, on the application submitted by the sixth respondent, the fourth respondent called for objections from the adjacent



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land owners by its communication dated 01.10.2019. On receipt of the same, the petitioner submitted a representation dated 11.10.2019. However, no order has been passed so far.

5. A perusal of the counter filed by the first respondent revealed that no such application has been received from the respondents 6 to 10 herein for establishing crushing and M sand Unit.

6. A perusal of the counter filed by the third respondent also revealed that as on date, the respondents 6 to 10 have not filed any application for issuance of No Objection Certificate and for establishing any industry in the land owned by them including stone crusher and M Sand Unit. That apart, in order to provide license for establishment of rough stone and gravel quarry, the following procedure is adopted:-

“a. The Ministry of Environment, Forest and Climate Change. New Delhi has given notification dated 14.09.2006 that for settingup of stone/savudu quarries (minor minerals) and excavation of sand from the river bed the proponent should obtain environmental clearance from the Ministry of Environment, Forest and Climate Change, New Delhi for the category 'A' project (or) for the category 'B' project from the State Level Impact Assessment



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Authority.

b. Before obtaining the environmental clearance, the proponent has to submit the proposal of mining plan mentioning the location of the mining activity, precise area, nearby water bodies, agricultural lands, mining resources in that area with the help of Central Government approved recognized qualified person for the preparation of mining plan so as to obtain Environmental Clearance (EC), as per EIA Notification 2006 and its amendments vide MOEF and Climate Change Notification. S.O.141 (E) dated 15.01.2016.

c. The mining plan will be approved by the Assistant Director, Department of Geology and Mining after which the Revenue officials, District Geology and mining officials will inspect the proposed site and submit a report to the District Collector, based on which the precise area communication is approved the quarrying activity.

d. Based on the approval of the precise area communication from the District Geology and mining officials and District Collector, the proponent will submit the application for Environmental Clearance either to MoEFSCC, New Delhi or SEIAA depending on the type of the project 'A' (or) 'B'.

e. After obtaining the Environmental Clearance the proponent will give advertisement about the quarrying activities in the local dailies in the English and vernacular language about the mining activity.

f. Once all this above said process are completed, the proponent will approach and apply for the consent of the TNPC Board, which will be decided by the State/District Level Consent Clearance Committee depending upon the type of the project.”



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G.K.ILANTHIRAIYAN. J.

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