



W.P No.21943 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P No.21943 of 2019
and W.M.P.No.21162 of 2019

P.Ponnusamy

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Petitioner

-VS-

- 1 The District Collector
Namakkal District Namakkal
- 2 The Director Of General and Mining
Industrial Estate Guindy Chennai-32.
- 3 The Assistant Director
Directorate Of Geology And Mining Namakkal
Namakkal District.
- 4 The Revenue Divisional Officer
Tiruchengode, Namakkal District.
- 5 M/s. M.P.Granite
Rep. By Its Proprietor, S.F.no.501/1 501/2b
Sithampoondi Village, Paramathivelur
Namakkal District.
- 6 M/s.P.K.K. Exports
Rep. By Its Proprietor S.F.no.488/1B (P)
And 503/3 488/1B(P) 488/2 (P) Etc.



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Sithampoondi Village Paramathivelur
Namakkal District.

- 7 M/s.M.Sengottuvel Mines
Rep. By Its Proprietor S.F.no.503/1
Sithampoondi Village Paramathivelur
Namakkal District.
- 8 M/s.Swathi Exports
Rep. By Its Proprietor Paramathivelur
Namakkal District.
- 9 M/s.Swathi Exports Granite Quarry II
Rep. By Its Proprietor S.f.no.
142/1 Sulliampalayam Village
Paramathivelur Namakkal District.
- 10 M/s.Kalpa Exports
Rep. By its Proprietor S.F.No.504, 50/1
502/2 856/2a Sithampoondi Village
Paramathivelur Namakkal District.
- 11 S.K.P.Murugan
S.F.no.348 (P) 349/2 (P) F/2 Jain Akshaya
No.15 Thirumurthy Street Thiyagaraya
Nagar Chennai - 17. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent officials from forbearing the respondent 5 to 11 from carrying on any quarry activity in S.Nos. 50/1 501/2B 503/1 Sithampoondi Village and S.No.142/1 141/1A Sullipalayam Village Paramathivelur Namakkal District, for welfare of future agriculture.



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For the Petitioner : Mr.S.Kolandasamy
For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader,
-for RR 1 to 4

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Kolandasamy, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader for Respondents 1 to 4.

2. The petitioner seeks a direction against the respondents 5 to 11 from carrying on any quarrying activity in the survey numbers as detailed in the petition.

3. According to the learned counsel for the petitioner, respondents 5 to 11 are quarrying below the permissible depth because of which the water does not make its way to the fields of the farmers and therefore the quarrying activity needs to be stopped.



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4. Affidavit is filed by the Assistant Director, Geology and Mining and by respondents 5 to 11. It is stated that necessary environmental clearances have been obtained, No-Objection Certificates have been issued and the quarrying activity is carried out in accordance with the Rules. The affidavit of the District Collector and the Assistant Director, Geology and Mining gives the details of the report received from the Committee and that there is no pollution due to the granite quarries. It is further stated that safety distance is maintained and the granite quarrying is permitted upto 60 to 75 Metres and if it goes below that, the quarrying activity will be stopped.

5. The contention of the petitioner appears to be that the respondents 5 to 11 are carrying out quarrying even below the permissible depth.

6. The authorities are expected to inspect the said quarries and if any deviation is found, they are required to take action. The authorities shall inspect the said quarries, preferably within two



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months from today. Depending upon the inspection, the further course of action be taken up by the authorities. The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : Yes/No
Neutral Citation : Yes/No
kst

To

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D.BHARATHA CHAKRAVARTHY, J.

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