



WEB COPY



W.P.No.15738 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.15738 of 2021
and
W.M.P.Nos.16640 and 16641 of 2021

1. D.Venkatesan
2. Guna Ammal

...Petitioners

Vs.

1. The Govt. of Tamil Nadu Rep. by Secretary to Government,
Department of Mining Geology,
Secretariat, Chennai – 600 009.
2. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Department of Environmental and Forest,
Secretariat, Chennai – 600 009.
3. The District Collector,
Thiruvallur District,
Collector Office Complex, Thiruvallur.
4. A.Yogesh
5. The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.
(*Suo Motu impleaded as per order dated 03.06.2024
in W.P.No.15738 of 2021*)

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to stop illegal quarrying of mud in Survey Nos.24/21, 25/8, 25/10, 25/6, 25/12 and 27/6 belonging to the fourth respondent lying adjacent to the petitioners land in Survey Nos.24/20, 24/23, 25/5, 25/7, 24/24, 27/6, 24/22, 25/3, 25/4, 25/9, 25/11 and 25/13 situated in Madura Thenambakkam Village, Morai Revenue Village, Ambattur Taluk, Thiruvallur District, restore the level of soil to its original height by filling up the excavated pits in the lands belonging to the fourth respondent in Survey Nos.24/21, 25/8, 25/10, 25/6, 25/12, 27/6 with identical soil.

For Petitioner : M/s.C.D.Sugumar
For Respondents : Mr.P.S.Raman Advocate General
Assisted by Mr.E.Vijay Anand, AGP
for RR1 to 3 & 5

Mr.R.Sasikumar (No appearance for R4)

ORDER

The present writ petition has been filed by the petitioners complaining that the fourth respectful is indulging in illegal quarrying of mud in S.Nos. 24/21, 25/8, 25/10, 25/6, 25/12 and 27/6 which is lying adjacent to the land of the petitioners in S.Nos.24/20, 24/23, 25/5, 25/7, 24/24, 27/6, 24/22, 25/3, 25/4, 25/9, 25/11 and 25/13 situated in Madura Thenambakkam



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Village, Morai Revenue Village, Ambattur Taluk, Thiruvallur District by directing the respondents to stop the said action and to restore the level of soil to its original height by filling up the excavated pits in the land belonging to the fourth respondent with identical soil.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and perused the materials placed on record.

3. On notice, the third respondent has filed a counter affidavit in which, in paragraph Nos.6 and 7 it is stated as follows:

6. With regard to the averments made by the petitioners in grounds of the affidavit it is submitted that during the inspection of the officials of the Department of Geology and Mining, old pits filled with water due to the illegal quarrying were noticed in the F.Nos. 21/4, 22 and 23 of Odai pormboke lands and the patta lands bearing S.F.Nos. 24/2, 24/3A, 24/3B, 24/4A, 24/5, 25/7, 25/8, 25/9, 25/12, 25/13 situated southern side of the Odai poramboke lands of Morai village of Avadi Taluk,



Tiruvallur District. Based on the said report, the Revenue Divisional Officer, Tiruvallur was directed to inspect the subject area and take necessary action against the offenders concerned as per G.O.170 Industries (MMC-2) Dept., dated 5.8.2020 & rule 36(A) of Tamil Nadu Minor Mineral Concession Rules, 1959 for the illegal quarrying of Ordinary Earth in the above area vide District Collector, Tiruvallur letter Rc.No.363/2021/G&M-2, dated 05.03.2022 & 14.03.2022.

7. It is further submitted that strict instructions have been issued to all the enforcement authorities including Revenue, Police and Mines officials to conduct periodical inspection, seizing more vehicles indulged in illegal transportation of mineral including filing of criminal cases against the offenders and take effective steps to curtail illegal quarrying and transportation of minerals in the District and during the monthly District Level Task Force meeting, the action taken by the officials concerned has also been reviewed by the third respondent i.e., the District Collector.

4. In the light of the above arguments made by the third respondent in the counter affidavit, this Court is of the view that no further direction is



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required to be issued in this writ petition. However, the Revenue Divisional Officer, Tiruvallur is directed to inspect the land in question and take necessary action based on the report of the third respondent dated 05.03.2022 and 14.03.2022 within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. It is needless to mention that if the petitioners have suffered any damage due to the act of the fourth respondent in illegally quarrying his land, it is always open to the petitioners to work out their remedy in the manner known to law.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No

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To:

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The Govt. of Tamil Nadu,
Department of Mining Geology,
Secretariat, Chennai – 600 009.
2. Secretary to Government,
The Government of Tamil Nadu,
Department of Environmental and Forest,
Secretariat, Chennai – 600 009.
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M.DHANDAPANI, J.

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