



WEB COPY



W.P.No.17941 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

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

W.P.No.17941 of 2022

M.G.Mohammed Farook

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Petitioner

Vs

1.The District Collector,
Collectors Office,
Krishnagiri District.

2.The Director,
Department of Geology and Mining,
Guindy, Chennai.

3.The Deputy Director,
Department of Geology and Mining,
Krishnagiri District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent The District Collector, Collectors Office, Krishnagiri District to consider representation given by the petitioner dated 02.02.2022.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER



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This Writ Petition has been filed for a direction directing the first respondent to consider the representation submitted by the petitioner dated 02.02.2022 seeking re-continuation of quarry operation.

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

3. The petitioner had applied for permission to quarry the land comprised in Survey No.185/1, Modikuppam Village, Krishnagiri Taluk, before the first respondent. Thereafter, by G.O.Ms.No.3(D), dated 31.10.1996, the petitioner was given 1 acre of land comprised in Survey No.185/1, Modikuppam Village, Krishnagiri Taluk, to quarry. The quarrying commenced from 31.10.1996 for a period of ten years. In the course of quarrying, by an order dated 06.11.1999, the petitioner was imposed with a fine of Rs.5,000/- and also cancelled the mining activities, since the petitioner had dumped the quarrying wastes in the neighbouring lands. It was challenged before this Court and thereafter, he was permitted to continue the quarrying activity for a period of ten years. Therefore, the petitioner submitted a representation seeking permission to quarry the said land for the discontinued period. Since there was no response forthcoming, the petitioner before this Court.

4. A perusal of the counter filed by the first respondent



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reveals that the re-continuation of the quarrying operation can be permitted only after getting Environment Clearance from the Ministry of Environment & Forest. As per Rule 42 of the Tamil Nadu Minor Mineral Concession Rules 1959, Environment Clearance is mandatory for the quarry operation in respect of granite. The petitioner is not having any valid license and also not having approved mining plan. Without even obtaining prior Environment Clearance in respect of Government land comprised in Survey No.185/1, Modikuppam Village, Krishnagiri Taluk, the petitioner cannot be permitted to continue the quarry operation.

5. In view of the above, the request made by the petitioner cannot be considered to re-continue the quarry operation. Therefore, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

04.06.2024

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

G.K.ILANTHIRAIYAN, J.

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To

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