



W.P. No.15755 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.15755 of 2024 and W.M.P. No.17165 of 2024

All India Nethaji Social Welfare Movement
(Regd. No.4/17/2024)
represented by its Trustee
C. Krishnamoorthy
Avalpoondurai Village
Modakurichi Taluk
Erode District

Petitioner

v

- 1 The District Collector of Erode
Erode District
- 2 The Tahsildar of Modakurichi
Modakurichi Taluk
Erode District
- 3 Samri Infra Developers
represented by its Proprietor
No.402, III Floor
Dev Palace
M.G. Road
Karur
Karur District

Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to instruct the third respondent to follow the conditions stipulated in his order in Na.Ka.No.683/minerals/2023 dated 15.03.2024.

For petitioner Mrs. G. Devi

For RR 1 & 2 Mr. Stalin Abhimanyu
Additional Government Pleader

For R3 No appearance

ORDER

(Made by the Hon'ble Acting Chief Justice)

Concededly, the third respondent, which is a proprietorship concern, *vide* proceedings dated 15.03.2024 of the first respondent, has been awarded the work of quarrying sand from the Avalpoondurai Tank measuring around 240 acres in Erode District, for the purpose of laying a 4 lane bypass road, with as many as 25 conditions.

2. The petitioner's case, in a nutshell, is that, inasmuch as condition nos.4 and 8 of the aforesaid proceedings are violated by the third respondent, the water level of the Avalpoondurai Tank is getting



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considerably reduced, which may result in depletion of water table in the areas surrounding the tank; hence, this writ petition, in the form of a public interest litigation, seeking a writ of mandamus directing the first respondent to instruct the third respondent to follow the conditions stipulated in his proceedings dated 15.03.2024.

3. For better appreciation of the issue, condition nos.4 and 8 of the proceedings of the first respondent, which are allegedly violated by the third respondent, together with their free English translation, are given as under:

நிபந்தனைகள்

4 குளத்தில் அனுமதிக்கப்பட்ட ஆழம் 1.5 மீட்டர் வரை மட்டுமே மண்ணை எடுத்துச் செல்ல வேண்டும்.

4 Sand is permitted to be quarried from the tank only upto a depth of 1.50 m.

8 வட்டார வளர்ச்சி அலுவலர் சுட்டிக்காட்டியுள்ள புல வரைபடத்தில் உள்ள இடத்தில் மட்டுமே சம்பந்தப்பட்ட அலுவலரின் முன்னிலையில் மண் எடுக்க வேண்டும்.

8 Sand is permitted to be quarried only from the survey number identified in the sketch by the Block Development Officer in the presence of the officer concerned.

4. Today, when this writ petition was taken up for hearing, the learned Additional Government Pleader produced before this



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Court, a copy of the communication dated 28.06.2024 addressed by the Assistant Director, Geology and Mining, Erode, the relevant portion of which, is extracted below for ready reference:

"..... The contractor was allowed to transport 900 cbm (100L.L) from 27.03.2024 to 02.04.2024. Another permit was issued for 3,600 cbm (400 L.L) during the period from 10.06.2024 to 14.06.2024. The permission granted expired on 14.06.2024.

In this regard, subject area of the tank in S.F. No.1336 (part) from which earth was quarried and transported was inspected on 25.06.2024 by the team consisting of Revenue Divisional Officer, Erode, Assistant Director (Mines), Erode, Assistant Director (Highways), Erode, Tahsildar, Modakurichi, Revenue Inspector, Poonthurai, Surveyor, Poonthurai and Village Administrative Officer, Thuyampoonthurai. The report was submitted to District Collector, Erode and order in this regard are awaited from the District Collector....."

5. Based on the aforesaid communication, the learned Additional Government Pleader submitted that necessary action would be taken no sooner orders are passed by the first respondent. He further submitted that the authorities have assured that the water body would be safeguarded by strengthening its bund.



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6. In view of the above development, the first respondent is directed to pass appropriate orders pursuant to the report submitted to him, within a period of two weeks, and within a period of four weeks thereafter, the authorities concerned shall take appropriate decision in the matter. Further, the petitioner is at liberty to approach the authorities with all the relevant materials at his command to substantiate his claim, which also shall be reckoned by the authorities before taking any decision.

This writ petition stands disposed of with the above direction and observation. Costs made easy. Connected W.M.P. stands closed.

(R.M.D., A.C.J.) (M.S.Q., J.)
28.06.2024

Index : No
NC : No
cad



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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

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To

- 1 The District Collector of Erode
Erode District
- 2 The Tahsildar of Modakurichi
Modakurichi Taluk
Erode District

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