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W.P. No.28616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.28616 of 2022

P.Nagarajan,

.... Petitioner

vs.

1. The District Collector,
Kallakurichi District,
Kallakurichi.

2. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.

3. D.P.Tiwari
Oriental Structural Engineers Pvt., Ltd.,
Periyakumatti Village,
B.Mutlur Post,
Bhuvanigiri Taluk,
Cuddalore District.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus directing the respondents 1 and 2 to take suitable legal action so as to close the stone quarry run by the third respondent at S.Nos.88/3, 88/4, 88/8(P) and 88/10 in Gurupeedapuram Village, Kallakurichi Taluk and District by considering the petitioner's representation dated 29.08.2022.



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For Petitioner : Mrs.V.Suguna

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For Respondents 1 & 2 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents 1 and 2 to take appropriate action as against the 3rd respondent for illegal stone quarry at S.Nos.88/3, 88/4, 88/8(P) and 88/10 in Gुरुpeedapuram Village, Kallakurichi Taluk and District.

2. The petitioner is a agriculturist owning cultivating land in S.Nos.91/10C and 92/5A2 situated at Gुरुpeedapuram Village, Kallakurichi Taluk and District. The third respondent had erected a stone quarry and crusher nearby land of the petitioner. There are pollution hazard and as such the petitioner could not be able to cultivate his land. The petitioner submitted representation to take appropriate action as against the third respondent.



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3. On perusal of the counter affidavit filed by the first respondent revealed that based on the recommendation of Revenue Divisional Officer (i/c.) Kallakurichi in Rc.No.A2/33281/2021 dated 11.10.2021, the State Environmental Impact Assessment Authority, Chennai consent in SEIAA/TN-F/No.8984/EC/5104/2021 dated 21.06.2022 and TamilNadu Pollution Control Board, Villupuram Consent No.F.1643VPM/RS/DEE/TNPCB/VPM/W/A/2022 dated 14.07.2022 the said stone quarry license was granted vide Assistant Director (i/c.) Geology and Mining, Kallakurichi by proceedings dated 20.07.2022 for a period of five years upto 19.07.2027 in favour of Oriental Structural Engineering Pvt., Ltd., in Patta Lands S.F.Nos.88/3, 88/4, 88/8(P) and 88/10 over an extent of 1.92.50 of Gुरुpeedapuram village of Kallakurichi Taluk and District. Further, as per the TamilNadu Minor Mineral Concessions Rules, 1959 no quarry lease shall be granted in respect of rough stone with in a radial distance of 300mts from the nearby habitation and no permanent structures situated within 50m radial distance are all complied. The contention of the petitioner by saying license given by fraudulent manner is far away to the truth. Further, the Oriental Engineering Structural Pvt. Ltd., company has awarded for four Laning of Poondikuppam -Sattanathapuram (Design Ch Km 67+000 to



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Km 123+800) Section of NH 45A in the state of TamilNadu under NHDP

Phase - IV on Hybrid Annuity mode. For the material supply of Road Work, the leasee has applied and obtained permission in the subject quarry and using the extracting minerals for the said National Highway project by obtaining transport permits. Further, as per the approved mining plan and environmental clearance, the leasee has awarded to quarry 2,68,335 cubic meters of rough stone and 28,680 cubic meters of Gravel soil upto the depth of 42 mts. Since, on scrutiny of the office records, the lessee has obtained transport permits within the permissible limits on payment of seigniorage fee, DMF etc., and the depth of the quarry is within permissible limits vide report of Tahsildar Kallakurichi. The petitioner claims that the 3rd respondent had violate the rules and regulations of quarrying operations is not acceptable and there is no bar in TamilNadu Minor Mineral Concessions Rules 1959 for quarrying near agricultural land and hence the contention of the petitioner for cancellation of lease is not acceptable.



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4. Further, if till any pollution hazard, the petitioner ought to have submit application before the TamilNadu Pollution Control Board to assess the pollution. Therefore, the request made by the petitioner had already complied with, on inspection conducted by the first respondent and the Assistant Director of Geology and Mining, Kallakurichi. If still, the petitioner facing any pollution hazard, the petitioner is at liberty to approach the TamilNadu Pollution Control Board.

5. With the above direction, this writ petition is disposed of. No costs.

04.06.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
gvn

To

1. The District Collector,
Kallakurichi District,
Kallakurichi.

2. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.



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G.K. ILANTHIRAIYAN, J.

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