



W.A.No.391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM :

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

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

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A.Anvarkhan

Vs

.. Appellant

1. The District Collector  
Thiruvannamalai District,  
Thiruvannamalai-606 604.
2. The Member Secretary  
Tamil Nadu Pollution control Board,  
76, Mount Road, Guindy, Chennai-32.
3. The Director  
Department of Geology and Mining  
Guindy, Chennai-32.
4. The Assistant Director  
Department of Geology and Mining  
Collectorate, Thiruvannamalai- 606 604.
5. The District Revenue Officer  
Collectorate, Thiruvannamalai- 606 604.
6. The Assistant Director (Panchayat)  
Rural Development Department,  
Collectorate, Thiruvannamalai -606 604.



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7. The Revenue Divisional Officer  
RDO Office, Thiruvannamalai- 606 601.

8. The Thasildar  
Thiruvannamalai Taluk Office,  
Thiruvannamalai- 606 601.

9. The Block Development Officer  
BDO Office, Thiruvannamalai- 606 601.

10. The Revenue Inspector  
R1 Office North, (Thiruvannamalai)  
Thiruvannamalai- 606 601.

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent to set aside the order dated 22.11.2021 passed in WP.No.9740 of 2019, allow the W.P.No.9740 of 2019 thereby directing the respondents to pass appropriate orders considering the representation of the appellant dated 08.11.2018 and take appropriate action in pursuance to close stone crushing units in Ayyampalayam and Asvanagasuranai Village, which are operating in contravention to TNPCB's siting criteria for stone crushing units issued vide B.P.MS.No.4, dated 02.07.2024.

For the Appellant : Mr.N.Sivaprakash

For the Respondents : Mr.C.Kathiravan  
Special Government Pleader  
for respondents 1, 3 to 10

### JUDGMENT

(Delivered by *the Hon'ble Chief Justice*)

Heard Mr.N.Sivaprakash, learned counsel for the appellant;  
and Mr.C.Kathiravan, learned Special Government Pleader, for



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respondents 1 and 3 to 10.

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2. The appellant filed a writ petition against the revenue and government officials seeking directions to pass orders on his representation. The representation was to take action and close down the stone crushing units in Ayyampalayam and Asvanagasuranai Village. According to the appellant, the units were operated in contravention of the TNPCB's Siting Criteria for Stone Crushing Units issued vide B.P.Ms.No.4, dated 2.7.2004.

3. On the basis of the statement of the authority that the units functioning without proper licence were closed, the learned Single Judge disposed of the writ petition. According to learned counsel for the appellant, the same is factually incorrect, as one of the stone crushing units, namely M/s.Logalakshmi Blue Metals, is still functioning.

4. In our opinion, the learned Single Judge ought not to have entertained the writ petition, as the same was filed without joining



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the persons who would be prejudiced if the order in favour of the appellant would have been passed. Those stone crushing units are not parties to the writ petition.

5. The authorities are certainly bound to consider whether the units are run in accordance with the statutory provisions, rules and regulations. In case some unit is functioning in contravention of the statutory provisions or rules, then the authorities are entitled to take action against the unit. It is for the authorities to consider the same.

The writ appeal, as such, stands dismissed. There shall be no order as to costs. Consequently, C.M.P.No.2640 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No  
Neutral Citation : Yes/No  
sasi



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THE HON'BLE CHIEF JUSTICE  
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