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W.P.No.32930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32930 of 2024
and
W.M.P.No.35747 of 2024

R.Shanmugasundaram

... Petitioner

Vs.

1.The Inspector General Of Registration
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai-600 028.

2.The District Registrar
Coimbatore District.

3.The Sub-Registrar
Mettupalayam Taluk, Coimbatore District.

4.S.Muthuramalingam

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the respondents 1 to
3 to consider the petitioners representations dated 15.07.2024 and thereby
direct the respondents 1 and 3 not to register the unapproved house site



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plots to the 4th respondent or any other person in an around the petitioners quarry and crushing machineries in the name of Sri Balaji Blue Metals situated in Survey No.456/3C1, to an extent of 1.17.0 Hectares at Karamadai Village, Mettupalayam Taluk, Coimbatore District within the prohibited distance from the quarry and crushers unit.

For Petitioner : M/s.B.Sundarapandiyan

For Respondents : M/s.C.Sathish, Govt. Advocate
for R.1 to R3.
: Not ready in notice - R.4.

ORDER

This Writ Petition has been filed for a mandamus directing respondents 1 to 3 to consider the petitioner's representation dated 15.07.2024 and consequently direct respondents 1 and 3 not to register unapproved house sites to the 4th respondent or any other persons in and around the petitioner's quarry and crushing machinery in the name of the Sri Balaji Blue Metals.

2. It is the case of the petitioner that he had purchased an extent of 1.17.0 Hectares of land comprised in Survey No. 56/3C1 situate at Karamdai Village, Mettupalayam Taluk, Coimbatore District under a registered sale deed dated 09.04.2003. The revenue records have also



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been mutated in the name of the petitioner in Computer Patta No.2400.

3. The petitioner had thereafter applied for license for stones and gravel quarry lease to the District Mines and Mineral Department. The Revenue Department, Mines and Minerals Department had inspected and recommended the grant of quarry license. On 14.02.2020, the A1 announcement has been made through tom-tom (Thandora.). On 29.12.2020, the petitioner had received no-objection statement from the public of the locality.

4. Thereafter, the petitioner had obtained a license from the Assistant Director, Department of Geology and Mines in proceedings dated 20.10.2022 for the period 20.10.2022 to 19.10.2027 to run stones and gravel quarry lease in the aforesaid lands.

5. The petitioner would submit that he has been running the stones and gravel quarry after obtaining all the necessary licenses from the competent authorities which are being renewed from time to time.



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6. While so, the 4th respondent and adjacent land owners having lands in S.F.Nos.454/3A, 455/1A, 458/2A1 and 458/2B in Karamadai Village, Mettupalayam Taluk, Coimbatore District had applied to form a layout of house sites within 500 meters from the quarry unit. The quarry rules and regulations as set out in the Mines and Minerals (Development and Regulation) Act 1957, clearly stipulates that no person shall be allowed or permitted to form a layout or construct a home in a property situated near the quarry units.

7. The 4th respondent had also applied for house site approval (DTCP Approval) from the Joint Director District Planning and Approval Authority, Coimbatore. The petitioner would submit that he had given an objection to the aforesaid Joint Director on 17.06.2024 contending that the approval should not be granted. However, his objection was not considered. Therefore, the petitioner had filed W.P.No.29772 of 2024. This Writ Petition was disposed of directing the respondents not to issue the house site approval to the 4th respondent or any other person without considering the petitioner's



objection.

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8. Meanwhile, the 4th respondent and other land promoters were trying to divide the adjacent property into multiple house sites within the prohibited distance from the quarry unit. The petitioner had approached the 4th respondent requesting him not to alienate the unapproved house site plots within the prohibited distance which was not taken heed to. Therefore, the petitioner had given a representation dated 15.07.2024 to respondents 1 to 3 with a request not to register the house site plots without the DTCP approval. Despite this house sites were being registered without the DTCP approval and the petitioner's representation has been kept pending. Therefore, the petitioner is before this Court.

9. Heard the learned counsel for the petitioner and Mr. C.Sathish, Government Advocate accepting notice for respondents 1 to 3.

10. Notice has not been served on the 4th respondent. However, since the relief claimed is one to consider the representation dated



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15.07.2024, which the petitioner had given to the respondents 1 to 3, the Writ Petition is allowed taking note of the earlier orders of this Court passed in W.P.No.29772 of 2024 with a direction to the respondents 1 to 3 to consider the objection made by the petitioner in his representation dated 15.07.2024, after giving due notice to the petitioner as well as the 4th respondents and all the interested parties who own property within 500 meters around the quarry unit, hear their objections after giving them a personal hearing and pass a speaking order thereon, within a period of 4 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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100, Santhome High Road, Mullima Nagar,



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