



W.P.(MD) No.2369 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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A.Arumugam

... Petitioner

-VS-

- 1.The Principal Secretary/Commissioner,
Department of Revenue Administration,
Ezhilagam,
Chennai – 5.
- 2.The Deputy Secretary,
Department of Revenue & Disaster Management,
St. Fort.George,
Chennai – 9.
- 3.The Director,
Department of Geology and Mining,
Guindy,
Chennai – 600 005.
- 4.The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai – 600 032.



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5.The District Collector,
Dindigul District,
Dindigul.

6.The Regional Director,
Department of Geology and Mining,
Madurai – 625 007.

7.The Revenue Divisional Officer,
Palani,
Dindigul District.

8.The Assistant Director,
Department of Geology and Mining,
Dindigul.

9.The Tahshildhar,
Gujiliamparai,
Dindigul District.

10.M/s.Terra Stones,
3-A Premalaya Royal Apartment,
163, Allwin Nagar,
Sengunthapuram,
Karur – 639 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, direct the 1 to 9 respondents not to sanction the operation of granite quarry in the S.No.689, 690/2,3,4 in Karikkali Village, Dindigul District for the application submitted by the 10th respondent dated 14.2.22.



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For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R9

Mr.K.Suresh for R10

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed for a direction to the respondents 1 to 9 not to sanction the operation of granite quarry in the S.No.689, 690/2,3,4 in Karikkali Village, Dindigul District for the application submitted by the 10th respondent dated 14.02.22.

2. By consent of both sides, the Writ Petition is taken up for final disposal at the time of admission itself.

3. According to the petitioner, the 10th respondent submitted an application with the respondents 7 to 9 to permit the granite quarry operation in his own patta land in S.Nos.689 and 690/2, 3, 4, in Karikkali Village, Gujiliamparam Taluk, Dindigul District on 14.02.2022 and the said land is within



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the prohibited distance of 300 meter inhabited site as per Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. Hence, the Writ Petition.

4. According to the learned Government Pleader appearing for the respondents 1 to 9, so far no decision has been taken for granting permission for quarrying granite in the land in question and the application is pending with the third respondent. Hence, the Writ Petition is premature and is liable to be dismissed as not maintainable.

5. Learned counsel appearing for the 10th respondent has objected the Writ Petition on the ground that the petitioner has approached this Court at the earlier stage and when the official respondents have specifically stated that there is no decision taken for granting quarrying licence, the Writ Petition is not maintainable.

6. From the submissions made by the parties concerned, it is clear that so far no inspection has been conducted or no final decision has been taken by the third respondent. In such circumstances, the petitioner has made objections



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to the official respondents, opposing for granting permission for quarrying granite in the patta land of the 10th respondent. It is needless to state that if any licence is going to be granted to the 10th respondent for quarrying granite in his patta land, the objections of the petitioner should also be taken into consideration by the third respondent. However, since the Writ Petition has been filed based on the apprehension, the same is liable to be dismissed as not maintainable.

7. Accordingly, the Writ Petition stands dismissed. However, it is always open to the petitioner to challenge the final decision, if any, taken by the third respondent. No costs.

[D.K.K., J.] [R.V., J.]
06.02.2024

Index : Yes / No
Internet : Yes / No
SJ

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