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W.P.(MD)NO.4194 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4194 of 2024 AND

W.M.P.(MD)No.5821 of 2024

R.Kolappan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Fort St. George,
Chennai – 600 009.
2. The Commissioner of Geology and Mining,
Government of Tamil Nadu,
Guindy,
Chennai – 600 032.
3. The District Collector,
Kanyakumari District @
Nagercoil.
4. The Sub-Collector,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
5. The Assistant Director,
Department of Geology and Mining,
Kanyakumari District @ Nagercoil.



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6. The Executive Engineer(PWD/WRO),
Kothaiyar Basin Division,
Nagercoil,
Kanyakumari District.

7. The Tahsildar,
Thiruvattar Taluk,
Kanyakumari.

8. Masilamani

9. Maria Seemon Selvan

10.Babu

11.Mahesh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to prevent the respondents 8 to 11 from illegal quarrying of Kuruman-sand and running illegal brick manufacturing unit(without permit) in the river bank of Paraliyar river bed situated in survey No.883/7 of Thiruvattar Village, Thiruvattar Taluk, Kanyakumari District and recover damages caused by respondents 8 to 11 herein to the Government due to such illegal mining operation and to restore the huge digs over the river bed of Paraliyar in Thiruvattar Taluk, Kanyakumari District due to the excavation of Kuruman-sand and natural sand on the basis of the petitioner's representation made before them by RPAD dated 19.01.2024 within a time frame fixed by this Court.

For Petitioner : Mr.K.C.Peter Kanish Kumar

For R-1 To R-7 : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.K.Balasubramani,
Special Government Pleader.



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W.P.(MD)NO.4194 OF 2024

For R-8,R-10&
R-11

: Mr.R.Mohanasundaram

For R-9

: Mr.C.K.M.Appaj

* * *

ORDER

Heard both sides.

2. On 15.10.2024 we had directed the Tahsildar, Thiruvattar Taluk to conduct field inspection and make a definite statement as to whether illicit sand mining has taken place in Paraliyar river bed particularly in survey No.915/7. Pursuant to the direction given by this Court, the Tahsildar as well as the Assistant Director, Geology and Mining, Kanyakumari District had filed separate status reports. Both the status reports implicate the eighth respondent Masilamani. A general stand has been taken that he had indulged in illicit sand mining and also unauthorised running of the brick kiln unit after the license period has been expired and it is yet to be renewed. The separate status reports filed by the authorities are taken on file. We direct the authorities to take action to its logical conclusion.



3. One Puranthara Dhas, Tahsildar, Thiruvattar filed status report on 13.08.2024. Since we were not satisfied, we had given the direction as above mentioned. The present status report has been filed by Kandasamy who is probably the Tahsildar, Thiruvattar. In the latest status report, illicit sand mining has been confirmed. We fail to understand as to why the status report dated 13.08.2024 did not deal with the said aspect. The District Collector, Kanyakumari District is directed to note the discrepancy between the two reports. The District Collector shall take appropriate action in this regard. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
29th October 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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