



W.P(MD)No.13889 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13889 of 2024

and

W.M.P.(MD)No.12202 of 2024

Edwin Joseph

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.

2.The Assistant Director,
Mines and Geology Department,
District Collector Office Campus,
Dindigul District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kodaikanal, Dindigul District.

*(R3 is substituted vide order dated 26.06.2024 in
W.P.(MD)No.13889 of 2024 by GRSJ)*

4.The Thasildhar,
Kodaikanal Taluk Office,
Kodaikanal,
Dindigul District.

5.Selathnathan

6.Arokiam



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7.Xavier

8.Arasi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.1 to 4 to initiate appropriate legal action against the Respondents No.5 to 8 and his own immediate adjacent house by stopping the illegal quarry operations situated in Survey No.1/200 at Ward B, Kodaikanal town, Dindigul District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.Henri Patrick Tiphange

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 4. Issuance of notice to the private respondents is dispensed with.

2.The petitioner is a senior citizen having its residence at Vattakanal Road, Kodaikanal. Copy of the patta has been enclosed in the typed set of



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papers. The petitioner's specific grievance is that on account of illicit quarrying of the adjacent land, his residence has suffered structural damage. Since I am disposing of the writ petition at the admission itself, I will not render any adverse finding against any private party. I will not say who has done the illicit quarrying. But from the photographs produce before me, it is evident that illegal has taken place in the adjacent site. I give a finding that there was illicit quarrying because the learned Special Government Pleader on instructions has made a statement that permission was not granted in favour of any private party to conduct quarrying in the vicinity of the petitioner's patta land.

3.In these circumstances, it is the statutory duty of the official respondent to do the following:

(a) To forthwith stop any further quarrying in the vicinity of the petitioner's residence. It is because Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959 prohibits quarrying operation within 300 meters of any habitation.

(b) Register an FIR for this cause of action.

(c) Conduct detailed enquiry and investigation and levy appropriate penalty on the persons who had done illicit mining.



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(d) Assess the damage caused to the petitioner's residence and compensate the petitioner appropriately from out of the collected fine amount.

4.It is also open to the petitioner herein to proceed against the persons who had conducted illicit quarrying claiming damages. The direction given to the official respondents is independent and it will not come in the way of the petitioner from exercising his rights as against the private respondents.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Dindigul District.
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G.R.SWAMINATHAN, J.

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27.06.2024
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