



W.P(MD)No.1825 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

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

**W.P(MD)No.1825 of 2018
and
W.M.P(MD)No.1947 of 2018**

K.M.Pari

... Petitioner

vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Melur, Madurai District.
- 3.The Assistant Director,
Mines and Minerals,
Collectorate,
Madurai – 20.
- 4.The Tahsildar,
Madurai East Taluk,
Madurai East Taluk Office,
Madurai District.
- 5.The Inspector of Police,
Silaiman Police Station,
Silaiman Police Station at Puliyangulam,
Madurai District.



W.P(MD)No.1825 of 2018

WEB COPY

6.The Revenue Inspector,
Kunnathur Firkar,
Madurai East Taluk,
Madurai East Taluk Office,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to take appropriate actions against the erring officials who have acquainted with the illegal sand quarry operators and doing sand quarry operation in Ananchiyur Village Tank and nearby Patta lands, Sakkudi Village, Madurai East Taluk, Madurai District and forbearing the respondents from issuing licence or approval or consent order to run sand quarry for commercial purpose in Ananchiyur Village Tank and nearby patta lands, Sakkudi Village, Madurai East Taluk, Madurai District.

For Petitioner : Mr.K.K.Mahesh Raja

For Respondent Nos.1 to 4 & 6 : Mr.T.Amjadkhan
Government Advocate

For Respondent No.5 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the first respondent to take appropriate



W.P(MD)No.1825 of 2018

WEB COPY

actions against the erring officials, who have acquainted with the illegal sand quarry operators and doing sand quarry operation in Ananchiyur Village Tank and nearby Patta lands, Sakkudi Village, Madurai East Taluk, Madurai District and forbearing the respondents from issuing licence or approval or consent order to run sand quarry for commercial purpose in Ananchiyur Village Tank and nearby patta lands, Sakkudi Village, Madurai East Taluk, Madurai District.

2.The grievance expressed by the petitioner is that under the garb of extracting earth/sand in patta land, nearby water body sought to be damaged and hence, he came forward to file this Writ Petition as 'Public Interest Litigation'.

3.The Deputy Director, Department of Geology and Mining, Madurai has filed a counter-affidavit, wherein in para 8, it is stated as follows:

'8.I submit that the permission was granted to the K.N.R Construction for removal of gravel over an extent of 4.00.0 Hectare at S.F.No.21/1 (Part) in Sakkudi Tank, Sakkudi Village, Madurai East Taluk, Madurai District for a period of three months



W.P(MD)No.1825 of 2018

WEB COPY

vide proceedings of the District Collector, Madurai, in R.O.C.No. 330/2016-Mines dated 12.04.2017. The period of permission had already been expired on 11.07.2017. Subsequently, the permission has been granted to Tvl.K.N.R Constructions Limited in another part of the area in the Sakkudi Tank located at S.F.No.21/1 (part) for a period of three months vide District Collector, Madurai proceedings in R.O.C.No.1078/2017-Mines, dated 23.02.2018. The lease period is valid upto 22.05.2018. Further, no quarrying permission has been granted in Ananjiyur Village, Madurai East Taluk.'

4.In view of the statement made in paragraph 8 of the counter-affidavit filed by the Deputy Director, Department of Geology and Mining, Madurai that the lease period was valid upto 22.05.2018 and no quarrying operation was permitted thereafter in the aforesaid Village, the authority concerned shall inspect the property in question and find out whether any illegal quarrying operation is being carried out or not, within a period of eight weeks from the date of receipt of a copy of this order. If there is any illegal quarrying operation apart from the permission granted by the authority concerned, necessary action is to be taken by the first respondent in accordance with law as expeditiously as possible. In such circumstances, we make it clear that the officer concerned is also responsible for such illegal quarrying operation.



W.P(MD)No.1825 of 2018

WEB COPY

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
24.01.2024

NCC : Yes / No
Index : Yes / No
ps
To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Melur, Madurai District.
- 3.The Assistant Director,
Mines and Minerals,
Collectorate, Madurai – 20.
- 4.The Tahsildar,
Madurai East Taluk,
Madurai East Taluk Office,
Madurai District.
- 5.The Inspector of Police,
Silaiman Police Station,
Silaiman Police Station at Puliyangulam,
Madurai District.
- 6.The Revenue Inspector,
Kunnathur Firkar,
Madurai East Taluk,
Madurai East Taluk Office,
Madurai.



WEB COPY



W.P(MD)No.1825 of 2018

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.1825 of 2018

DATED : 24.01.2024