



W.P.(MD) No.11788 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

**W.P.(MD) No.11788 of 2018
and
W.M.P(MD)No.10703 of 2018**

O.Homerlal

... Petitioner

-vs-

1.The Secretary to Government of Tamilnadu,
Geology and Mining Department,
Secretariat, Chennai.

2. The Commissioner of Geology and Mining,
Guindy, Chennai.

3. The District Collector,
Kanniyakumari District,
At Nagercoil.

4. The Assistant Director,
Geology and Mining,
Kanniyakumari District,
Nagercoil.

5. The Secretary,
Industries Department,
State of Tamil Nadu,
Fort. St. George, Chennai.

(R5 is *suo motu* impleaded vide court order dated 12.02.2024 in WP(MD)No. 11788 of 2018)

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19-04-2018 and to stop all the quarrying activities at the Western Ghats of India at Kanniyakumari District within a time frame that may be stipulated by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 to R5 : Mr.Veera Kathiravan
Additional Advocate General assisted by
Mr.P.Thilakkumar, Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner and Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition to consider his representation dated 19.04.2018 and to stop all the illegal quarrying activities at the Western Ghats of India at Kanniyakumari District and to prevent the transportation of minerals from Kanniyakumari to Kerala State,



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3. On the last occasion i.e., 12.02.2024, a Coordinate Bench of this Court passed an order directing the District Collector, Kanniyakumari District, to provide the following particulars:

(i) The details regarding the licence granted for carrying out the quarrying operations in Kanniyakumari District.

(ii) Whether any licence has been granted to carry out quarrying operations within the prohibited distance of 30 kms from Western Ghats?

(iii) Whether any illegal quarrying operations are being carried out beyond the prescribed limit as per the terms and conditions and as per the relevant Rules, in any Government or private site?

(iv) Whether any transit permit has been issued by the authorities to the lessees or to the owners to transport the quarried materials to Kerala?

4. The report is filed by the District Collector, Kanniyakumari District.



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5. The report states that 44 quarry leases were granted for quarrying rough stone (43) and Earth (1) in patta lands in Kanniyakumari District. Today, 11 quarry leases granted for quarrying rough stone in Kanniyakumari District are in existence. Out of that 11 stone quarries, only 6 are in operation and 5 are non operational. It is further submitted that in view of the interim order passed by this Court on 01.04.2019 in W.P(MD)No.7607 of 2019, the quarry operations done in the eco-sensitive zone and eco-sensitive areas as declared by the Central Government under Section 5 of the Environment (Protection) Act, 1986, is stopped. The details are given in the report. The respondents are duty bound to abide by the restrictions imposed by the statute, regulations and the rules. The steps are taken and CCTV Cameras are installed.

6. Apart from taking the precautionary measures, it is also incumbent upon the authorities to periodically inspect the mining/stone crushing operations at regular intervals and upon noticing the slightest of deviation, stern action needs to be taken by the authorities.



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7. All the stone crushing/mining activity in operation is pursuant to the fresh permits/licence granted. Naturally, the same has to be granted after considering the Geological Department's report.

8. In case, the petitioner or any other person comes across any illegality being committed, the same shall be reported to the authorities and the authorities should immediately act upon the said complaint.

9. In view of the report filed by the District Collector, Kanniyakumari District, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[G.I., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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