



W.P(MD).No.21261 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21261 of 2024

Tamil Nadu Sand Lorry Owners Federation
rep, by Sella Rajamani
President

... Petitioner

Vs.,

- 1.The Chief Executive Engineer,
Public Works Department,
Water Resources Department,
Trichy Chief Executive Engineer Office
Pudukkottai Road, Subramaniyapuram,
Trichy 620020.
- 2.The Secretary,
Secretariat, Mines and Minerals Department,
George Town, Chennai 600 005.
- 3.The Secretary,
Water Resources Department,
Chennai 600 009.
- 4.The Chief Executive Engineer,
Public Works Department,
Chennai 600 005.
- 5.The District Collector,
Namakkal District.



W.P(MD).No.21261 of 2024

6. The Assistant Director of Mines,
Namakkal District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to reopen the quarry for sand mining within the time stipulated by this Court.

For Petitioner : Mr.S.Sheik Ismail
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondents to reopen the quarry for sand mining within the time stipulated by this Court.

2. Heard Mr.S.Sheik Ismail, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD).No.21261 of 2024

3. The petitioner is the Association and the members of the said association are the owners of the lorry, which has been only meant to carry the sand from the mines of the Government. Now, all the sand mines have been closed as per the enquiry commenced by the Enforcement Directorate in connection with irregularities committed in sand mining. According to them, the act of Enforcement Directorate stalling the sand mining was condemned by this Court. In this regard, the petitioner has given representation to the Government to reopen the sand mining. But, no steps have been taken so far. Therefore, the petitioner is before this Court.

4. At the outset, this Court is of the view that the very writ petition is misconceived for the reason that the sand mines are closed considering various factors by the Government. It is for the Government to take a decision to reopen the sand mine or not. Merely because of the petitioner's lorries have been engaged in carrying out the sand, that shall not give absolute right to seek mandamus directing the Government to reopen the sand mines only for the purpose of transporting the sand mining on the lorries of the petitioner.



W.P(MD).No.21261 of 2024

WEB COPY

5. In such view of the matter, I do not find any merits in this petition.

Accordingly, the Writ Petition stands dismissed. No costs.

05.09.2024

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The Chief Executive Engineer,
Public Works Department,
Water Resources Department,
Trichy Chief Executive Engineer Office
Pudukkottai Road, Subramaniyapuram,
Trichy 620020.

2.The Secretary,
Secretariat, Mines and Minerals Department,
George Town, Chennai 600 005.

3.The Secretary,
Water Resources Department,
Chennai 600 009.

4.The Chief Executive Engineer,
Public Works Department,
Chennai 600 005.

5.The District Collector,
Namakkal District.

6.The Assistant Director of Mines,
Namakkal District.



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W.P(MD).No.21261 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.21261 of 2024

05.09.2024