



*W.P(MD)No.20830 of 2023*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 04.01.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.20830 of 2023  
and  
W.M.P(MD)Nos.17248 & 17249 of 2023**

Gandhivel

... Petitioner

Vs.

- 1.The District Collector,  
Dindigul District,  
Dindigul.
- 2.The Revenue Divisional Officer,  
Dindigul,  
Dindigul District.
- 3.The Tahsildar,  
Dindigul West Taluk,  
Dindigul, Dindigul District.
- 4.The Executive Engineer,  
Public Works Department (PWD),  
Nangasaiyaru Basin Division,  
Palani,  
Dindigul District.



W.P(MD)No.20830 of 2023

5.The Assistant Director,  
Geology and Mining,  
Dindigul,  
Dindigul District.

6.The Principal,  
Anna University – University College  
of Engineering,  
Dindigul,  
Dindigul District.

7.The DRN Infrastructure (P) Ltd,  
Through its Manager,  
Sangu Seenivasa Reddy,  
No.1-170-Karnool,  
State of Andra Pradesh.

8.The Inspector of Police,  
Kannivadi Police Station,  
Dindigul.

***(R.8 is suo impleaded vide order  
of this Court dated 28.08.2023)***

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned license of Na.Ka.No.349/Kanimam/2022 dated 28.07.2023 issued by the first respondent to the seventh respondent for quarrying gravel at the Water body of Thethupatti Tank, situated at Survey No.426/1, Thethupatti Village, Dindigul West Taluk, Dindigul District and quash the same and consequently direct the respondents 1 to 5 to preserve that Water body of Thethupatti Tank as it is today.

For Petitioner : Mr.R.Murugappan



*W.P(MD)No.20830 of 2023*

For Respondents : Mr.R.Baskaran  
Additional Advocate General  
Assisted by Mr.K.Balasubramani  
Special Government Pleader  
for R.1 to R.5 & R.8

Mr.J.John Rajadurai for R.6  
Mr.VR.Shanmuganathan for R.7

### **ORDER**

Heard both sides.

2.The petitioner brought to our notice that even though it was the seventh respondent who was granted license to quarry mineral in the petition mentioned water body, unauthorised persons had illegally removed substantial quantity of sand from the said tank.

3.The matter was taken up on several occasions. A number of orders were also passed by this Bench. Pursuant to the order passed by this Court, Crime No.195 of 2023 registered on the file of Kannivadi Police Station.

4.The learned Additional Advocate General states that five persons have been identified as accused and out of them three were arrested and two have been enlarged on Anticipatory Bail. It is further stated that as many as 11 vehicles were involved and all of the have been seized.



*W.P(MD)No.20830 of 2023*

WEB COPY

5.The materials on record categorically establish that illicit quarrying had taken place. We therefore direct the Inspector of Police, Kannivadi Police Station to file a positive final report within a period of eight weeks from the date of receipt of a copy of this order. The jurisdictional Court will take cognizance of the same within a period of two weeks after the filing of the final report. We make it clear that this direction to file a positive report will not foreclose the defence of the accused. We are more than satisfied that a crime has been committed. But the persons who have committed the crime have not been pin-pointed by us. The Investigation Officer is directed to take appropriate steps for confiscating the vehicles involved. This shall be done as expeditiously as possible.

6.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**[G.R.S., J.]      [B.P., J.]**  
**04.01.2024**

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



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**G.R.SWAMINATHAN, J**

**and**

**B.PUGALENDHI, J.**

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