



W.P(MD).No.23310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.23310 of 2024
and
W.M.P.(MD)No.19747 of 2024**

Arumugam

... Petitioner

Vs.

- 1.The Director,
Department of Geology and Mines,
Gindy, Chennai.
- 2.The District Collector,
Trichy District,
Trichy.
- 3.The Assistant Director,
Department of Geology and Mines,
Trichy District, Trichy.
- 4.The Revenue Divisional Officer,
Trichy, Trichy District.
- 5.The Tahsildhar,
Lalgudi Taluk,
Trichy District.

6.Marimuthu

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 6th respondent from operate stone crushing works in Survey Number 205/1A3, 205/1A4, 205/2A at Ootathur Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.D.Sadiq Raja,
Addl. Government Pleader for R1 to R5.

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus for forbearing the 6th respondent from operating stone crushing unit in Survey Nos.205/1A3, 205/1A4, 205/2A at Ootathur Village, Lalgudi Taluk, Trichy District.

3.The case of the writ petitioner is that the petitioner is having a house which comes within 100 meter range from varappu lake. All the surrounding



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lands are fertile agricultural lands. After obtaining permission for operating quarry stone crushing unit, the sixth respondent has engaged in crushing activities which cast serious impact on the neighbouring land and also to the petitioner's land. The vehicles are plying in round of clock of the day without any leave. It is therefore causing hindrance to the cultivation. Hence, he seeks a direction not to operate the stone quarry unit.

4.The learned Additional Government Pleader for the respondents 1 to 5 on instruction submits that the mining lease has been granted to the sixth respondent in S.Nos.205/1A3, 205/1A4 and 205/2A. The period of lease is for ten years. The writ petitioner has encroached the government poramboke land in S.No.193/2 and form VII notice was also issued under the Tamil Nadu Land Encroachment Act, 1905. It is the specific case of the respondents 1 to 5 that within the prohibited distance, there is not water body, houses, schools and temples are situated. Hence, he prayed this Court to dismiss the writ petition.

5.Heard learned counsel on either side and perused the materials available on record.



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6.The petitioner has not disclosed the nature of his possession where he resides except stating that his house is located within 100 meter from the stone crushing unit and also the survey number has not been disclosed. In the absence of any substantial evidence, as matter of right, the writ petitioner cannot seek direction forbearing the sixth respondent from operating the unit in question. Admittedly, the mining lease has been granted by the government in favour of the sixth respondent. Unless, there is any violation for granting license, as a matter of right, seeking a direction restraining the sixth respondent from running the unit is not maintainable. This Court does not find any merit in this writ petition and it stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

NCC : Yes/No
Index : Yes/No
ias



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N.SATHISH KUMAR, J.

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