



W.P(MD)Nos.23807, 23808 & 24487 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)Nos.23807, 23808 & 24487 of 2024

and

W.M.P(MD)Nos.20147, 20149, 20148, 20832, 21416 & 21417
of 2024

1.W.P(MD)No.23807 of 2024:

1.M.Mohan Kumar
2.G.Palanidoss

... Petitioners

Vs

- 1.The Secretary,
Natural Resources Department,
Mines and Minerals,
St. George Fort,
Chennai – 600 009.
- 2.Managing Director,
Department of Geology and Mining,
Guindy,
Chennai – 600 032.
- 3.The Deputy Director,
Department of Geology and Mining,
Office of District Collector,
Theni.
- 4.The District Collector,
Office of District Collector,
Theni.
- 5.The Revenue Divisional Officer,
Periakulam,
Theni District.



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6.The Tahsildar,
Periakulam,
Theni District.

7.K.Bose

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 not to permit the seventh respondent to carry out any quarry operation in the lands in Survey Nos.974, 975/1 and 976, Thamaraiikulam Village, Periakulam Taluk, Theni District.

For Petitioners : Mr.T.S.Mohamed Mohideen

For RR 1 to 6 : Mr.D.Gandhiraj
Special Government Pleader

For R – 7 : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.S.Ramsundar Vijayraj

2.W.P(MD)No.23808 of 2024:

Hari Om Trust,
Represented by its Founder M.Selvam. ... Petitioner

Vs

1.The District Collector,
Theni District.

2.The Assistant Director,
Geology and Mines Department,
O/o.Collectorate Buildings,
Theni District.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Periakulam,
Theni District.



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4.The Tahsildar,
Periakulam Taluk,
Theni District.

5.The Village Administrative Officer,
Thamaraikulam Village,
Periyakulam Taluk,
Theni District.

6.K.Bose

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to restrain the sixth respondent and his men and agents from put up a stone quarry in Survey Nos.974, 975/1 and 976 situates at Thamaraikulam Bit-I, Periakulam Taluk, Theni District and not to permit the sixth respondent and any person to put up a stone quarry within the boundary of properties vested with Hari Om Trust, Vadugapatty, Periyakulam Taluk, Theni District by considering the petitioner's representation dated 10.08.2024.

For Petitioner : Mr.R.Venkatesan
for M/s.Right Law Associates

For RR 1 to 5 : Mr.D.Gandhiraj
Special Government Pleader

For R – 6 : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.S.Ramsundar Vijayraj

3.W.P(MD)No.24487 of 2024:

M.Selvapandi

... Petitioner

Vs



W.P(MD)Nos.23807, 23808 & 24487 of 2024

- 1.The Secretary,
Natural Resources Department,
Mines and Minerals,
St. George Fort,
Chennai – 600 009.
- 2.Managing Director,
Department of Geology and Mining,
Guindy,
Chennai – 600 032.
- 3.The Deputy Director,
Department of Geology and Mining,
Office of District Collector,
Theni.
- 4.The District Collector,
Office of District Collector,
Theni.
- 5.The Revenue Divisional Officer,
Periakulam,
Theni District.
- 6.The Tahsildar,
Periakulam,
Theni District.
- 7.K.Bose

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 not to permit the seventh respondent to carry out any quarry operation in the lands in Survey Nos.974, 975/1 and 976, Tamaraikulam Village, Periakulam Taluk, Theni District.



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For Petitioner : Mr.T.S.Mohamed Mohideen
For RR 1 to 6 : Mr.D.Gandhiraj
Special Government Pleader
For R – 7 : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.S.Ramsundar Vijayraj

COMMON ORDER

All the Writ Petitions have been filed for a direction forbearing the respondents 1 to 6 from permitting the seventh respondent in W.P(MD)Nos.23807 & 24487 of 2024 and forbearing the respondents 1 to 5 from permitting the sixth respondent in W.P(MD)No.23808 of 2024 from carrying out quarry operation in the land comprised in Survey Nos.974, 975/1 and 976 situated at Thamaraikulam Village, Periakulam Taluk, Theni District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner in W.P(MD)No.23808 of 2024 is a registered Trust and had purchased the property adjacent to the property owned by 'K.Bose, who is the seventh respondent in



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W.P(MD)Nos.23807 & 24487 of 2024 and sixth respondent in W.P(MD)No.23808 of 2024' (in short hereinafter referred to as 'the private respondent'). The petitioners in W.P(MD)Nos.23807 & 24487 of 2024 owned agricultural lands in the same locality of the private respondent and doing agricultural activities. The Trust proposed to construct a home for senior citizens and also educational institutions. While being so, the private respondent applied for licence to carry out the stone quarry business in the land comprised in S.F.Nos.974, 975/1 and 976 situated at Thamaraikulam, Periyakulam Taluk, Theni District. While pending Writ Petitions, the private respondent was issued licence by order dated 04.10.2024 to carry out the quarry operations. As per the conditions imposed by the Environmental Clearance certificate issued by SEIAA, under Clause 12 of the Environmental Clearance conditions, a signboard be installed at the quarry site, displaying the information as follows:

'a.The quarry license number.

*b.The survey numbers and extent of land
(2.88.50 hectares, S.F.Nos.974, 975/1 and 976).*

c.The name of the proponent (K.Bose).

*d.The tenure of the quarrying operations (from
25.04.2024 to 24.04.2034).*



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e.The type of minerals to be extracted (rough stone and gravel).

f.This signboard requirement is part of the transparency and compliance measures laid out in Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. The Board was installed to comply with legal obligations, not as a premature act of advertisement by the seventh respondent in the writ petition/petitioner herein.'

4.Accordingly, the private respondent has complied with all the conditions. In fact, the private respondent applied for licence in the year 2020. Thereafter, the private respondent obtained no objection certificates from all the authorities concerned and the private respondent was issued licence.

5.On perusal of the licence, dated 04.10.2024, it referred 27 reports including several orders passed by this Court and objections raised by the petitioners and others. After due enquiry and objections, the private respondent was issue a leasehold right for the period of 10 years from 25.04.2024 for the total area to an extent of 2.88.50 hectares. The specific contention of the petitioners is that the quarry operation was permitted within



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a radius of 300 meters from their respective agricultural land. It is a clear violation of Rule 36(1-A)(a) of the Minor Mineral Concession Rules, 1959 (in short hereinafter referred to as 'the Rules, 1959'). It is relevant to extract the provision under Section 36(1-A)(a) of the Rules, 1959 hereunder:

'36(1-A)(a) No lease shall be granted for quarrying stone within 300 metres (three hundred metres) from any inhabited site:

Provided that the existing quarries which are subsisting under current leases shall be entitled for continuance till the expiry of the lease period. The lessees whose quarries lie within a radius of 300 metres from the inhabited site shall undertake blasting operations only after getting permission of the Director of Mines Safety, Gorgaum:

Provided further that the new and existing units of quarries shall also be required to comply with the pollution control measures (ie., dust control measures) besides complying with the other conditions in regard to Pollution Control Measures.'

6.Thus, it is clear that within the radius of 300 meters, there should not be a new layout, building plans and within the



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radius of 50 meters any ancient symbols, Temples, graveyards, electric lines and objectionable structures and water channels. As per the reports of the revenue officials, there are no such buildings etc situated within a radius of 300 meters and 50 meters from the private respondent's quarry land. Therefore, the objections raised by the petitioners were duly considered and a detailed enquiry and found that the private respondent fulfilled all the conditions prescribed under the Rules and granted the lease. Under Rule 36 of the Rules, 1959, the private respondent is obligated to comply with the terms and conditions of the lease, including any requirements set forth by the State Environmental Impact Assessment Authority (SEIAA) and maintain the operations within the scope of the lease. Since the private respondent met all the conditions, including the approvals from SEIAA and the Tamil Nadu Pollution Control Board. Therefore, the private respondent was rightly issued final proceedings to carry out quarry operations. It also confirms that all legal and regulatory requirements for quarry operations in the subject property have been complied with by the private respondent. In view of the above, the prayer sought for in these Writ Petitions cannot be granted and all three Writ Petitions lack merits and the same are liable to be dismissed.



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- 6.The Tahsildar,
Periakulam,
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- 7.The Assistant Director,
Geology and Mines Department,
O/o.Collectorate Buildings,
Theni District.
- 8.The Village Administrative Officer,
Thamaraikulam Village,
Periyakulam Taluk,
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)Nos.23807, 23808 & 24487 of 2024

12.11.2024