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WP No. 5161 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 5161 of 2025

AND

WMP NOS. 5740 & 5741 OF 2025

R.Shanmugasundaram

Petitioner(s)

Vs

1. The District Collector

Coimbatore District, Coimbatore.

2.The Joint Director / Deputy Director /

Assistant Director,

District Town And Country Planning,

Door No.50, FCI Road, Gandhima

Nagar, Ganapathy, Coimbatore-641

004.

3.The Commissioner,

Karamadai Municipality Village,

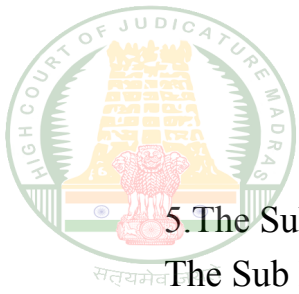
Mettupalayam Taluk, Coimbatore

District.

4.The Tahsildar

Mettupalayam Taluk Office,

Mettupalayam, Coimbatore District.



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5.The Sub Registrar

The Sub Registrar Office,
Mettupalayam, Coimbatore District.

6.The Village President,
Karamadai Village Panchayat,
Coimbatore District.

7.Rajkumar

8.Kalyanasundaram

9.Jayarajan

10.Rajammal

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order passed by the 2nd respondent in CBEREG/GW51T4VL/2024/ 2024/TCP dated 09.08.2024 quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents 2 to 3 not to grant DTCP approval for house site plots in favor of the respondents 7 to 10 or any other person within the prohibited distance from the petitioners quarry and crushing machineries situated at Karamadai Village, Mettupalayam Taluk, Coimbatore District.

For Petitioner(s): Mr.L.Chandra Kumar
for Mr.B.Sundarapandiyan



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For Respondent(s): Mr.N.Naveen Kumar
Government Advocate For R1,
R2, R4 To R6
Dr.T.Seenivasan
Special Government Pleader For
R3
M/s.V. Anandhamurthy, For R8
to R10

ORDER

Challenging the impugned order dated 09.08.2024 passed by the 2nd respondent and also consequential direction to the respondents 2 to 3 not to grant DTCP approval for house site plots in favour of the respondents 7 to 10 or any other person within the prohibited distance from the petitioners quarry and crushing machineries situated at Karamadai Village, Mettupalayam Taluk, Coimbatore District.

2. The case of the petitioner is that the petitioner purchased the property in Survey No.456/3C1, to an extent of 1.17.0 Hectares situated at Karamadai village, Mettupalayam Taluk, Coimbatore District, through a registered sale deed dated 09.04.2003 on the file of Mettupalayam Sub-Registrar Office. The petitioner obtained a license from the Assistant Director, Department of



Geology and Mines in proceedings Na.Ka.1716/Kanimam/2020 dated

20.10.2022 for a period from 20.10.2022 to 19.10.2027 to run stones and gravel

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quarry lease. It is stated that as per Rule No.36(1)(a)&(C) of Tamil Nadu Minor

Minerals Concession Rule 1959, the respondents 1 to 6 are restricted from

granting any building permission, layout plans falling within 300 meters from

any stone crushing units or quarrying operations to anyone, as this 300 meters

area is called as “prohibited distance”. It is pertinent to note that this “prohibited

distance” was approved by the Hon'ble Supreme Court in SLP No.13564 of

1998 by order dated 01.02.2007, wherein it has been specifically held that no

building permission, layout or whatsoever, shall be granted to anyone within the

radius of 300 meters from stone quarrying site. While such being so, one

Muthuramalingam along with respondents 7 to 10 are trying to get the house

site approval from respondents 2 to 3. When the petitioner came to know about

the same, the petitioner gave a representation on 17.06.2024 to the respondents

2 to 6, requesting them not to issue any house site approval to the said

Muthuramalingam or any other person in around the petitioner's quarry and

crushers unit. Thereafter, the petitioner also sent a legal notice objecting the



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issuance of house site approval to the respondents 2 to 6 on 30.05.2023 by way of registered post. The same was acknowledged by the official respondents and even the respondent authority without any proper enquiry, trying to give house site approval within the prohibited distance from the petitioner's quarry and crushers unit. However, the aforesaid representation was pending without considering the objection made by the petitioner, the 2nd respondent is trying to issue the house site layout within prohibited distance from the petitioner's quarry. Aggrieved by the same, the petitioner filed writ petition before this Court in W.P.No.29772 of 2024, seeking to direct the respondents 1 to 4 in the writ petition not to issue the house site approval to any other person in and around the petitioner's quarry and crushing machineries within the prohibited distance from the quarry and crushing unit. The said writ petition was allowed. Further, the petitioner also filed another writ petition in W.P.No.32930 of 2024, praying that the respondents 1 and 3 in the aforesaid writ petition not to register the unapproved house site plots to any other person in and around the petitioner's quarry and crushing machineries within the prohibited distance from the quarry and crushers units and the said writ petition was also allowed. While



so, the respondents 7 to 10 obtained DTCP approval from the 2nd respondent

vide CBEREG/GW51T4VL/2024/2024/TCP dated 09.08.2024 within the

“prohibited distance” from the petitioner quarry and crushing units. Hence, the petitioner had filed the present Writ Petition.

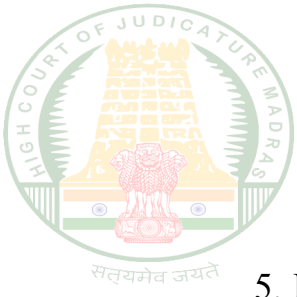
3. The learned counsel for the petitioner would submit that the petitioner has obtained valid licence to run quarry and crushing units for a period of 5 years from 20.10.2022 to 19.10.2027, and the quarry and crushing units are still in operation as on date. Further, in support of the above contention, the petitioner has produced the transport bills for a period from 01.06.2024 to 20.09.2024, permit to transport Blue Metals issued by the Mines and Minerals Department for a period 10.06.2024 to 31.08.2024 and e-challan of minerals fees for a period from 10.06.2024 to 22.09.2024.

3.1. He would further submit that no layout approval shall be given within 500 meters from the live stone quarrying site, as per the rules and decisions of the Hon'ble Supreme Court as well as the Division Bench of this



Court. In a catena of decisions of the Hon'ble Supreme Court, held that no approval shall be granted within 300 meters from any stone crushing unit or quarrying operations. However, the present house site layouts are situated within a distance of 176 square feet and another house site layout is situated within 284 square feet from the petitioner's quarry, which are within the prohibited distance from the existing stone quarry and crushing machinery units and the same cannot be allowed as per Rule 36(1)(a) of Tamil Nadu Minor Mineral Concession Rules, 1959. Hence, he prayed for appropriate orders from this Court.

4. Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents 1, 2, 4 to 6 submitted that no objection certificate has been given for the layout approval based on the application submitted by the seventh respondent. Further, he would submit that, in respect of the layout approval sought by the respondents 8 to 10, only technical clearance approval has been given and the final approval is yet to be given on the layout application submitted by the respondents 8 to 10.



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5. Mr.V.Anandhamurthy, learned counsel appearing for the respondents 8 to 10 submitted that the Competent authority has already approved four layouts, which have not been challenged by the petitioner, instead the petitioner has chosen to challenge the layout approval which were granted to the respondents 8 to 10.

6. Heard both sides and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side and without going into the merits of the contentions raised by the learned counsel on either side, this Court passes the following directions:

(i) The petitioner is directed to give a representation to the first respondent/District Collector, Coimbatore District, within a period of two (2) weeks from the date of receipt of a copy of this order, by enclosing a copy of this order.

(ii) On receipt of such representation submitted by the petitioner, the 1st respondent shall conduct a detailed



WEB COPY

WP No. 5161 of 2025



enquiry, after giving due notice to the petitioner as well as the private respondents, opportunity of personal hearing and pass appropriate orders on its own merits and in accordance with law, by taking into consideration the decisions of Hon'ble Supreme Court of India as well as the Division Bench of this Court, within a period of three (3) months thereafter.

(iii) It is made clear that the petitioner shall proceed with the quarrying operation activities in accordance with law.

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

02-04-2025

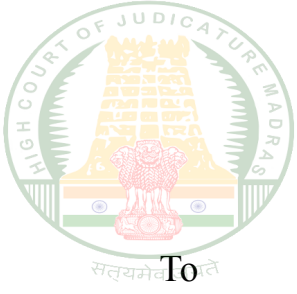
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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