



W.P.No.12952 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12952 of 2025
& W.M.P.Nos.14479 & 14480 of 2025

Mr.Tamilazhagan.

... Petitioner

/versus/

1. The Commissioner of Geology & Mining,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai - 600 032.

2. The District Collector,
Tiruvallur Collectorate,
Tiruvallur, Tamil Nadu – 602 001.

3. M/s.Larsen & Toubro Limited,
South Segment TIIC,
TC3, Tower A, 6th Floor, B Wing,
Post Box No.979, Mount Poonamallee Road,
Manapakkam,
Chennai - 600 089.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for records relating to the impugned order passed by the 2nd respondent District Collector, Tiruvallur District in Na.Ka.No.199/2024/mineral.1, dated 08/11/2024 and quash the same.

For Petitioner :Mr.P.Saranath



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For Respondents :Mr.Stalin Abhimanyu
Additional Government Pleader, for R1 & R2

ORDER

The writ petition is filed challenging the impugned order dated 08.11.2024. By the said proceedings final orders were passed granting permission to start the earth quarrying to the 3rd respondent herein on the conditions mentioned therein.

2. Mr.P.Saranath, Learned Counsel appearing on behalf of the petitioner would submit that on account of quarrying that is done by the 3rd respondent, the entire village is affected. There is also a water body nearby the quarrying area. The quarrying is done without proper Environmental Clearance. Further, it is to the detriment of the land owners nearby and the residents of the village. It is also now being carried on beyond the permissible limit and also beyond the period of three months for which the impugned order is passed.

3. When the matter came up for admission, basing upon the written instructions dated 11.04.2025 given to him, Mr.Stalin Abhimanyu, Learned Additional Government Pleader for the respondents would submit that originally in



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this case, the work was allotted in April 2022 and thereafter, the permission for quarrying was taken up from 18.04.2024. Earlier the third respondent was given permission and was directed to get the approval of the State Level Impact Assessment Committee and due permission of the State Level Environmental Impact Assessment Authority has been obtained on 23/10/2024 itself. Thereafter, the lease has been entered into on 16.02.2025 for a period of three months and therefore, the 3rd respondent will be entitled to quarry upto 15.05.2025. As a matter of fact, the villagers protested and after the protest, when the site was inspected, it was found that a portion of the safety area was also mined by the 3rd respondent and already a penalty of Rs.74,128/- was also imposed on the 3rd respondent by order dated 03.04.2025.

4. The Learned Additional Government Pleader would submit that the petitioner has not categorically stated in what way the petitioner is affected and the writ petition itself is not maintainable.

5. Per contra, the Learned Counsel for the petitioner would submit that the petitioner is the resident of the said village which has stated so in the affidavit filed in support of the writ petition.



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6. I have considered the rival submissions made on either side and perused material records of the case.

7. The grounds on which the impugned order is challenged is firstly on Environmental concerns. Only for the said aspect, the 3rd respondent is directed to submit a Mining Plan and thereafter, based on the Mining Plan, the Environment Clearance is to be obtained by the lessee. If the petitioner is aggrieved by the Clearance that is given by the Appropriate Authority, the petitioner has remedy and therefore, the petitioner can challenge the Environmental Clearance that is given in the manner known to law.

8. As far as the second contention relating to the period of quarry is concerned, now as per the submissions made by the Learned Additional Government Pleader for the respondents, it can be seen that after execution of the lease agreement on 16.02.2025, the lease period for three months commence from the said date and it is still there upto 15.05.2025.

9. As far as the extent quarried is concerned, it is already stated in the



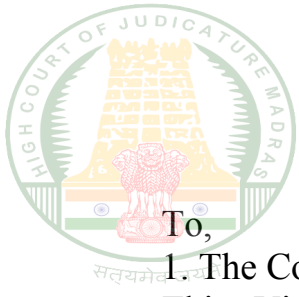
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written instructions that the authorities are inspecting and when the safety area was mined already a fine is imposed. Therefore, it is for the respondent authorities to periodically inspect the site and see to that the mining is carried on within the permissible limit and within the area that is granted. It is a matter of concern that jurisdictional Assistant Director of Mines always readily imposes the penalty after quarrying. But that will not undo the damage that is done to mother earth. They are supposed to do their duty and periodically inspect these quarries and ensure that quarrying is done within the limits permitted and also within the survey numbers in which permission are given.

10. With directions to the jurisdiction Assistant Director of Mines to periodically inspect the quarry and ensure that the quarrying is done as per law and giving liberty to the petitioner to challenge the Environmental Clearance in the manner known to law, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

15.04.2025

Neutral citation:No.
bsm



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To,

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3. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY,J.

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