



W.P.No.10342 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10342 of 2025

and

W.M.P.No.11670 of 2025

Senthil Kumar, M/45
S/o Ponnusamy,
4/109A, Nelkaranpalaiyam,
Kokalai Village, Tiruchengode,
Namakkal 637 216.

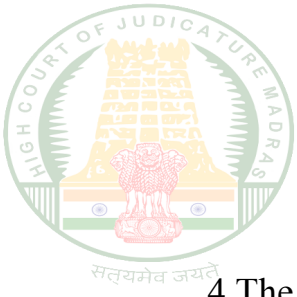
..Petitioner

/versus/

1.The State Rep.by
The Secretary,
Department of Mines and Geology,
St.Fort George,
Secretariat, Chennai 600 009.

2.The District Collector,
Office of the Collector,
Namakkal District,
Tamil Nadu.

3.The Assistant Director(Mines and Minerals),
Collectorate Campus, Namakkal District.



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4.The Revenue Divisional Officer(RDO),
Office of Revenue Divisional Officer,
TiruchengodeTaluk,
Namakal District.

5.TheTahsildar,
Office of Tahsildar,
TiruchengodeTaluk,
NamakalDistrict,l

6.The Block Development Officer(BDO),
Office of Block Development Officer,
ElachipalayamPanchayat Union,
TiruchengodeTaluk,
Namakkal District.

7.P.A. Raja
S/o Arumugam
No.120, Samiyappa Nagar,
Seelanaickenpatti,
Salem Town,
Salem District.

..Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct Respondents 1 to 3 to stop illegal quarry which is carrying by the 7th Respondent in Survey No.225/1B at Kokkalai Village, TiruchengodeTaluk, Namakkal District by violating the provisions of Tamil Nadu Minor Mineral Concession Rules, 1959 pursuant to the petitioner representation dated 21.02.2023



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For Petitioner :Mr. R. Thirumoorthy
For Respondents :Mr.E.Vijay Anand, AGP for R1 to R5
:Mr.S.Senthil Murugan, Spl.G.P for R6

ORDER

The prayer made in the writ petition is to direct the respondents 1 to 3 to stop the illegal quarry, which is being carried by the 7th respondent in Survey No.225/1B at Kokkalai village, Tiruchengode Taluk, Namakkal District.

2.The grievance of the petitioner is that the sale is violative of the siting norms and no quarrying can be carried out. It can be seen from the material records, that are filed along with the writ petition itself that, the 7th respondent is quarrying only after the permission granted to him under the Act. Any person aggrieved by the permission that is granted, is entitled to file an appeal under Section 36(c)(i) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

3.In view thereof, the petitioner ought to have a file an appeal. It is

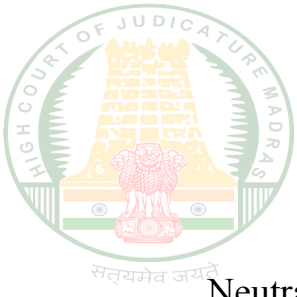


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seen that the petitioner has made a representation on 21.02.2023 to the appellate authority, namely, the District Collector. Therefore, this Writ Petition is disposed of at the admission stage without notice to the 7th respondent, in view of the nature of the relief that is being granted. The representation dated 21.02.2023 filed by the petitioner shall be treated as an appeal, that is made, within the time limit, as per Rule 36(c) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and shall be taken up for enquiry by the 2nd respondent. The 2nd respondent shall issue notice to the petitioner as well as the 7th respondent and any other interested person and conduct an enquiry in the manner known to law and pass final orders in accordance with law, as if it is an appeal as against the original order granting permission to the quarry. The said exercises shall be completed within 16 weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order. Consequently, connected Miscellaneous Petition is closed. No costs.

21.03.2025



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Neutral citation:yes/no
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The Secretary,
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