



W.P.No.13891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.13891 of 2024 and
W.M.P.No.15073 of 2024

M/s.Shri Ponguru Blue Metal Mines,
Rep. by its Partner S.Shiva,
SF No.148, Thenkaraikottai Village,
Vadakarai Road, Pappireddipatti Taluk,
Dharmapuri District.

... Petitioner

-VS-

1. The District Collector
Collectorate, Dharmapuri.
2. The Deputy Director of Mines
Department of Geology and Mining,
2nd Floor, District Rural Development Building,
Dharmapuri - 636 705.
3. The Block Development Officer
Union Office Building,
Udasalpatti Road,
Pappireddypatti Taluk, Dharmapuri.
4. The President
Thenkaraikottai Panchayat Office,
Pappireddypatti Taluk, Dharmapuri.



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5. The Superintendent of Police,
Office of the Superintendent of Police,
District Police Office, Near Collectorate,
Dharmapuri – 636 705.

6. The Inspector of Police,
Gopinathampatty Police Station,
Harur, Dharmapuri.

7. Saravanan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to forthwith take action and demolish the illegal construction put up by the 7th respondent in S.No.160, Vadakarai, Thenkaraikottai Village, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner : Mrs.A.L.Gandhimathi,
Senior Counsel
For Mr.A.Saravanan

For R1 to R4 : Mrs.E.Ranganayaki
Addl. Govt. Pleader

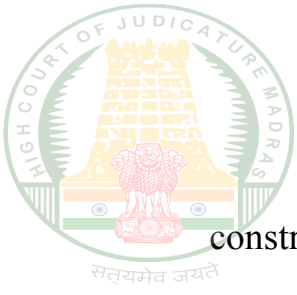
For R5 & R6 : Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

For R7 : No Appearance

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed for a direction to the respondents 1 to 4 to forthwith take action and demolish the illegal



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construction put up by the 7th respondent in S.No.160, Vadakarai, Thenkaraikottai Village, Pappireddipatti Taluk, Dharmapuri District.

2. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader appearing for R1 to R4 that on 25.03.2025, this Court directed the respondents 1 to 3 to conduct a field inspection and submit a status report. Pursuant to the said order, a joint inspection has been conducted on 01.04.2025 and the 2nd respondent has filed a Status Report, narrating the outcome of the inspection. Paragraphs Nos. 3 to 5 of the Status Report read as under:

“3. It is respectfully submitted that during inspection, it was noted that Thiru Saravanan (7th respondent) constructed a house in S.F.No.160/1 under PMAY-G scheme, located within 300 meters of the quarry. Likewise, Thiru Krishnan and Thiru Ravi constructed residences in S.F.No.149/2A2, approximately 50 meters from the quarry.

4. It is respectfully submitted that as per Rule 36(1-A)(C) of the Tamil Nadu Minor Mineral Concession Rules, 1959, no authority is permitted to approve new buildings within 300 meters of a quarry without prior clearance from the



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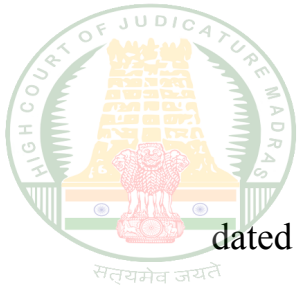
Director of Geology and Mining. It is confirmed that no such permission was obtained for these constructions. Additionally, under Annexure-XVII, Point No.(3) of the Tamil Nadu Combined Development and Building Rules, 2019, residential constructions within 500 meters of a live quarry are prohibited.

5. It is respectfully submitted that the constructions by the 7th respondent and others violate Rule 36(1-A)(C) of the TNMMC Rules, 1959 and the TN Combined Development & Building Rules, 2019.”

3. Despite notice issued to the 7th respondent, no one has entered appearance on behalf of the 7th respondent.

4. On a close scrutiny of the Status Report dated 08.04.2025, it is apparent that the 7th respondent has constructed the house in S.F.No.160/1 within 300 meters of the quarry without obtaining any permission from the Geology and Mining Department. Therefore, the construction put up by the 7th respondent is clear violation of the provisions of Rule 36(1-A)(C) of the Tamil Nadu Minor Mineral Concession Rules, 1959 as per the report of the 2nd respondent.

5. Thus, recording the Status Report of the 2nd respondent

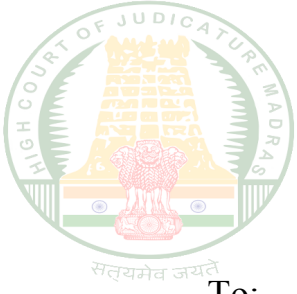


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dated 08.04.2025, the Writ Petition is allowed. A direction is issued to the respondents 1 to 4 to proceed further in accordance with law in respect of demolition of the construction put up by the 7th respondent in S.No.160, Vadakarai, Thenkaraikottai Village, Pappireddipatti Taluk, Dharmapuri District. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
05.06.2025

Index: Yes / No
Internet: Yes / No
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