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W.P.No.18032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.18032 of 2025
and W.M.P.No.20224 of 2025

V.Venkatasamy
S/o. Late Venkatagiriyappa,
4/154, Narasipuram,
Athimugam (PO)
Soolagiri (Tk)
Krishnagiri District - 635 105.

Petitioner

Vs

- 1.The District Collector
Krishnagiri District,
Krishnagiri.
- 2.The District Engineer
Tamil Nadu Pollution Control Board,
149-A, Darga Street,
Hosur-635 126
Krishnagiri District,
- 3.The Deputy Director of Geology and Mines
Krishnagiri Collectorate Campus,
Krishnagiri.



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4.The Tahsildar
Soolagiri Taluk,
Soolagiri,
Krishnagiri District,

5.Kovaradhan Choudry
S/o.Krishnappa,
A.Thinnur Village,
Berandahalli (PO) Hosur (Tk),
Krishnagiri District,

6.S. Ramesh
S/o.Samudi,
No.50/4, Thayappa Street,
Natrapalli, Natrampalli (Tk),
Tirupattur District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 12.07.2023, 17.05.2024 regarding closure of Stone Crushing Unit operated by the 5th and 6th respondent herein namely, SRG STONES situated in S.No.303, Athimugam Village, Soolagiri Taluk, Krishnagiri District which is running in violation of Rule 36 (1) (A)(a) of the TNMMC Rules 1959 and pass orders on merits and in accordance with law after providing an opportunity of personal hearing to the petitioner herein within a stipulated time frame by this Honourable Court.



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For Petitioner:

Ms.T.Malar Magal

For Respondents:

Mr.Stalin Abhimanyu
Addl. Government Pleader
for respondent Nos.1, 3 & 4

Mr.V.Gunasekar
Standing Counsel
for respondent No.2

Mr.U.Karunakaran
for respondent No.6

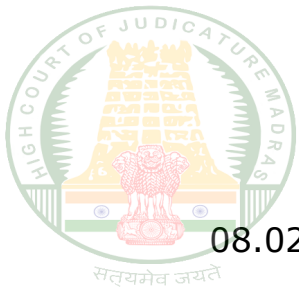
ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. Challenge to the grant of quarrying lease to respondent Nos.5 and 6 is essentially based on an allegation of fact that these quarrying sites are situated within 300 meters from the petitioner's land.

3. In the status affidavit filed by the third respondent, it has been clearly stated that, upon joint inspection carried out on



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08.02.2025, it was found that the quarrying lands are situated at a distance of 282 metres and 656 metres, respectively, from the boundaries of the lease granted area.

4. Even, according to the petitioner, as averred in his own affidavit, the lands are used for agricultural purpose. Neither any averment, nor any material is placed before us to establish that the place, where the petitioner is carrying out agricultural activity and may be having a small farm house, has been recorded as either a village site or a house site or even a town site in the revenue records.

5. The prohibition carved out under Rule 36(1-A)(a) of the Tamil Nadu Minor Mineral Concession Rules, 1959 is that no lease shall be granted for quarrying stone within 300 metres from any inhabited site.

Explanation (iii) to Rule 36(1-A) of the Tamil Nadu Minor Mineral Concession Rules, 1959 clarifies "*inhabited site*", as below:

"the 'inhabited site' shall mean a village site or town site or a house site as referred to in the revenue records or a



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house site or layout approved by a Local Body or Town or Country or Metropolitan Planning Authority, where the said Body or Authority is created under a statute and empowered to approve such an area as a house site or lay-out area."

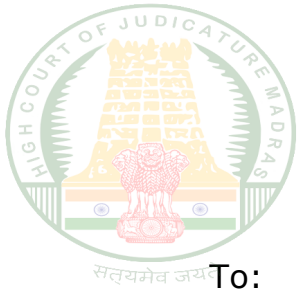
6. In order to qualify as inhabited site, it has to be demonstrated that the site is recorded as village site or town site or house site in the revenue records. Where no such material is placed on record, it can be safely concluded that there is no violation of the provisions contained in the Rule extracted herein above with regard to maintaining of minimum distance of 300 metres from the inhabited site. Therefore, the petition is without any substance and it is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(G.ARUL MURUGAN,J)

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Index : Yes/No
Neutral Citation : Yes/No
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