



WEB COPY

WP No. 20138 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 20138 of 2024

AND

WMP NO. 22046 OF 2024

R.Perumal

Petitioner(s)

Vs

1.The District Collector

Collectorate, Dharmapuri -5

Dharmapuri District

2.The Revenue Divisional Officer

Dharmapuri Town,

Dharmapuri District

3.The Deputy Director

(Geology and Mines), Collectorate,

Dharmapuri -5, Dharmapuri District

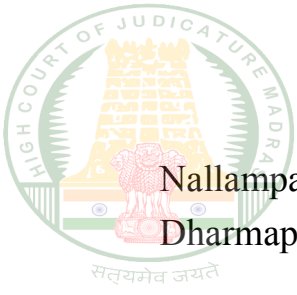
4.The Block Development Officer

Nallampalli Panchayat Union,

Nallampalli, Dharmapuri District

5.The Indoor Village Panchayat

Rep. By Its President Indoor,



Nallampalli Village,
Dharmapuri District

WEB 6.M.Velu

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Respondent(s)

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PRAYER

Directing the respondents 1 to 5 to forbear the 6th respondent from using the newly constructed building built without obtaining any prior permission in S.F. No 829/5, lying within the prohibited distance of 300 meters from the existing lease hold quarry area in S.F.Nos.501/8, 501/9, 501/10, 502/7 and 502/8 Nathatha Halli Village, Nallampalli Taluk, Dharmapuri District for violation of Rule 36 (A1) (a) and (c) of the Tamil Nadu Minor Mineral Concessions Rules, 1959 and take action by considering the petitioner's representation dated 21.06.2024.

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For Petitioner(s): Mr.S.Shrish
For Mr.N.Manoharan

For Respondent(s): Mr. E.Veda Bagath Singh SGP
For R1, 2, 4 & 5
Mr.Stalin Abhimanyu AGP
For R3
Mr.P.M.Jayachandran For R6



ORDER

(Order of the Court was made by S.M.Subramaniam J.)

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The writ of Mandamus has been filed to direct the respondents 1 to 5 to restrain the 6th respondent from using the newly constructed building, which was built without obtaining prior permission in S.F.No.829/5, lying within the prohibited distance of 300 meters from the existing leasehold quarry area in S.F.Nos.501/8, 501/9, 501/10, 502/7 and 502/8 of Nathatha Halli Village, Nallampalli Taluk, Dharmapuri District for violation of Rule 36 (A1) (a) and (c) of the Tamil Nadu Minor Mineral Concessions Rules, 1959 and to consider the petitioner's representation dated 21.06.2024.

2. With reference to the allegation that the 6th respondent constructed a building within the prohibited area of quarry operations without obtaining building plan permission, this court directed the authorities to conduct an inspection and submit a report.

3. The Assistant Director, Geology and Mining, Dharmapuri, conducted



the inspection and filed counter affidavit. Paragraph 5 and 6 of the counter affidavit reads as follows:

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“5. With regard to Para 6 of the affidavit, it is submitted that after ascertaining there was no approved habitations or village sites within the radius 300 mts from the quarry site only the quarry lease have been granted under Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959. The Tamil Nadu Minor Mineral Concession Rules, 1959 Rule 36 [1(A)(c)] states that

“.... No new layout, building plans falling within 300 meters from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained. On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be, of any quarry which is situated with 300 meters from the new layout, buildings sought for such clearance.....”

6. With regard to Para 7, 8, 9 & 10 of the affidavit, it is submitted that the respondent No.6 Thiru.M.Velu S/o Madhaiyan had constructed a house within 120 mts South East direction from the quarry site by violating without getting prior approval from



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the Commissionerate of Geology and Mining, Chennai as per Rule 36[1(A)(c)] of Tamil Nadu Minor Mineral Concession Rules, 1959. For constructing house, no approval / permission obtained from Block Development Officer, Nallampalli and/or Panchayat Secretary, Naththathahalli. The representation of the petitioner Thiru.R.Perumal dated 03.06.2024 the same was also given on 21.06.2024 and it was forwarded vide the Assistant Director of Geology and Mining, Dharmapuri letter Roc.No.349/2024 (Mines) dated 25.06.2024 to the Block Development Officer, Nallampalli and Panchayat Secretary, Naththathahalli for taking necessary action against the unauthorised construction by Thiru. Velu in S.F.No.829/5 of Naththathahalli Village, Nallampalli Taluk,Dharmapuri District.”

4. In view of the above counter-statement, the respondents are directed to initiate all appropriate actions to remove the unauthorized constructions, if any, by following the procedure.



5. The 6th respondent is at liberty to submit any building plan approval in their possession. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With these liberty, the Writ Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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- 6.M. Velu
S/o Madhaiyan Bs Agraharam Village,
Nathathahalli Post, Nallampall Taluk
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