



W.P.No.34406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.34406 of 2024

Kannapiran

.. Petitioner

Vs

1.The District Collector
Villupuram District
Villupuram.

2.The Tahsildar
Vanur Taluk, Villupuram District.

3.The Deputy Director
Mines and Minerals Department
Villupuram.

4.The District Environmental Engineer
Tamil Nadu Pollution Control Board
Villupuram.

5.The Managing Director
MSM Mines Group
Kondhamur Village
Vanur Taluk, Villupuram District.

.. Respondents



W.P.No.34406 of 2024

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus to direct the respondents to take necessary action in pursuant to the letter dated 26.06.2024 made in Na.Ka.Aa.Puvi(ma)Sura 152/2024 of the 1st respondent based on the petitioner's representation dated 24.06.2024 and pass necessary orders regarding illegal quarry of the 5th respondent crushers in S.No.11/1, 11/2, 11/3, 12/3 of an extent of 4.51.0 hectares in Kondhamur Village, Vanur Taluk, Villupuram District as date and time fixed by this Court.

For Petitioner : Ms.T.Gnana Banu

For Respondents : Mr.A.Edwin Prabhakar
State Government Pleader
Assisted by Mr.Karthik Jegannath
Government Advocate – for R1-R3

Mr.V.Gunasekar – for R4

Mr.P.V.Balasubramanian
Senior Advocate
For M/s.S.V.Vijay Prasanth-for R5

ORDER

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

At the outset, in the order dated 09.01.2025, in the appearance, 4th



W.P.No.34406 of 2024

respondent be replaced with 5th respondent and 5th respondent be replaced with 4th respondent.

2. Shri Gunasekar appearing for the 4th respondent states that some more time be given to file a counter. As to why no counter has been filed, Mr.Gunasekar is unable to explain why no counter has been filed till date.

3. Be that as it may. Mr.P.V.Balasubramanian, relying on an affidavit of one Sadayappan affirmed on 20.01.2025 states that the writ petition is a motivated petition inasmuch as this is the third writ petition against the 5th respondent and the crushing unit being set up. Mr.Balasubramanian states that the first writ petition being W.P.No.15223 of 2024 was dismissed by this Court on 24.10.2024. That petition was filed on 04.06.2024.

4. Mr.Balasubramanian further states that on 30.09.2024, this petition as well as another petition in W.P.No.30768 of 2024 by one Muthamizh was filed, which also came to be dismissed vide order dated 24.10.2024. Therefore, this is a motivated petition being filed at the



W.P.No.34406 of 2024

WEB COPY

instigation of someone.

5. We also note that the first two writ petitions that were dismissed, were filed by the same lawyer. For the present petition, the instigator has engaged another lawyer. In our view, this is nothing but abuse of process by the petitioner.

6. Be that as it may, in the affidavit of the said Sadayappan, it is stated that the crusher unit will not be run without a valid Consent to Operate and till date, the operation of the crusher unit has not been commenced. Shri Balasubramanian states that the crusher unit is being established and has not commenced to operate.

7. Shri Balasubramanian submits that the Tamil Nadu Pollution Control Board is yet to give a consent and the 5th respondent will comply with all the conditions / requirements in accordance with law.

8. The 4th respondent, Pollution Control Board shall pass orders on



W.P.No.34406 of 2024

WEB COPY

the application of the 5th respondent in accordance with law.

The petition is dismissed. There shall be no order as to costs. We make it clear that we have not expressed any opinion on the merits of the matter.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

30.01.2025

Index : Yes/No
NC : Yes/No
KST

To

- 1.The District Collector
Villupuram District
Villupuram.
- 2.The Tahsildar
Vanur Taluk, Villupuram District.
- 3.The Deputy Director
Mines and Minerals Department
Villupuram.



W.P.No.34406 of 2024

4.The District Environmental Engineer
Tamil Nadu Pollution Control Board
Villupuram.



WEB COPY



W.P.No.34406 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(KST)

W.P.No.34406 of 2024

30.01.2025