



W.P (MD).No.10294 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.10294 of 2024

Narayanan

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Joint Director/Assistant Director (I/c)
of Geology and Mining,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

4.The District Registrar,
Tirunelveli District,
Tirunelveli.

5.The Sub-Registrar,
Nanguneri,
Tirunelveli District.

6.Mrs.Jonsirani

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 & 2 to cancel the quarry license issued by the second respondent in his proceedings in Rc.No.M2/26268/2018 dated 28.11.2022 in favour of the sixth respondent at Survey No.15/2F Pappankulam Village, Nanguneri Taluk, Tirunelveli District based on petitioner's representation dated 24.1.2024.

For Petitioner : Mr.T.Augustine Ebenezer

For R1 to R5 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed for a direction directing the respondents 1 and 2 to cancel the quarry license issued by the second respondent in favour of the sixth respondent for quarrying and transportation of rough stones and gravel to an extent of 2.47.5 Hectares in Survey Nos.13/4, 14, 15/2F and 16/3 Pappankulam Village, Nanguneri Taluk, Tirunelveli District by the proceedings dated 28.11.2022.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The petitioner challenged the license issued in favour of the sixth respondent on the ground that the property comprised in S.No.15/2F is not belonged to the sixth respondent. Further, within 250 meters Radius from the quarry, a school called TDTA Primary School and other residence, funeral sitres are located. However, without considering the same, the second respondent issued license to the sixth respondent.

4. Admittedly, the petitioner did not raise any objections while the proceedings pending before the second respondent for issuance of quarry license. In fact, the petitioner's aunt objected for issuance of quarry license in favour of the sixth respondent and also approached this Court. This Court directed the second respondent to consider the same and pass orders. After a detailed enquiry, objections were received and the license was granted. Further, the license was granted to the sixth respondent on 28.11.2022 whereas, the present writ petition has been filed in the year 2024 and absolutely no explanation was given for delay in filing the writ petition. It shows that after granting license, the sixth respondent quarrying the subject land for the past two years and there was no complaint from the petitioner. After two years, the petitioner now filed this writ petition challenging the quarrying license on the ground that the quarrying land is adjacent to the agricultural land of the



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petitioner and the his land is completely vanished on behalf of the quarry license.

5. On perusal of the photographs revealed that the crops which are cultivated in the petitioner's land are healthy and there is absolutely no question of damage because of the quarry. Further, on perusal of the counter affidavit filed by the second respondent and on the submission made by the learned Government Advocate revealed that the property in Survey No.15/2F belongs to the sixth respondent and also produced the patta to an extent of 0.78.0 hectares at Patta No.2147. The sixth respondent was issued Environmental Clearance certificate and also all the concerned authorities issued No Objection Certificates. As per Rule 36A(1)(a) of Tamil Nadu Minor Mineral Concession Rules, 1959 there is about restriction for the grant of lease for stone within 300 meters from the inhabited site. On perusal of the report revealed that there are no habitations within 300 meters from the quarry. The first respondent also inspected the subject land and reported that the distance between the quarry site and the habitation is 510 meters. Therefore, considering all the aspects, the sixth respondent was issued No Objection Certificate and the sixth respondent quarrying the operation.



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6. Therefore, there is no merits in the writ petition and it is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

24.01.2025

To

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Tirunelveli District,
Tirunelveli.
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G.K.ILANTHIRAIYAN, J.

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