



WP(MD). No.17641 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

**WP(MD). No.17641 of 2024 and
WMP(MD) Nos.15143, 15144, 15145, 15147 and 26389 of 2024**

T.Vadivu

... Petitioner

Vs

**1. The District Collector,
Tenkasi District, Tenkasi..**

**2. The Assistant Director,
Department of Geology and Mining,
Tenkasi District..**

**3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Tenkasi District..**

**4. The Revenue Divisional Officer,
Sankarankoil, Tenkasi District**

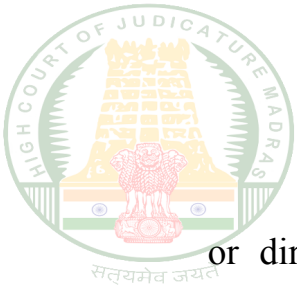
**5.The Tahsildar,
Sivagariri Taluk, Tenkasi District..**

6. Samuthiramuthu

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus order

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or direction calling for the records of the impugned proceedings in SVGREV/1403/2023-B3 dated 29.01.2024 on the file of the 5th respondent and the consequential impugned proceedings in consent order No.2401257175763 dated 09.02.2024 on the file of the 3rd respondent and quash the same as illegal and further forbearing the 1st and 2nd respondent from granting any permission to the 6th respondent to extract soil or run brick kiln in land in S.No.1238/4B situated in Naranapuram Bit - II Village, Sivagiri Taluk, Tenkasi District.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.P.Thilak Kumar for R1,R2,R4 & R4
Government Pleader

Ms.Maduri Fonti Reddy for R3

Mr.Ragul Kousik for R6

ORDER

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

Challenging the no objection certificate dated 29.01.2024 issued by the 5th respondent Tahsildar and the consequential order issued by the Pollution Control Board dated 09.02.2024, the petitioner has filed this present writ petition.

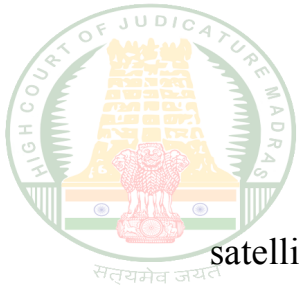


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2. The main ground raised in the writ petition is that no objection certificate of the Tahsildar, as well as the consent order of the Board is in violation of the regulations since there are habitations and fruit orchard within 800 meters from the site, where the 6th has proposed to establish the brick kiln.

3. On our directions, the District Environmental Engineer of the Tamil Nadu Pollution Control Board, Tenkasi has filed a counter affidavit, wherein, it is stated that there are no habitations and fruit orchard within 0.8 km and no other brick kiln within one kilometer from the proposed site. They have also conducted an inspection on 09.01.2024 and issued 'Consent to Establish' order.

4. When both the Tahsildar, as well as the Pollution Control Board authorities, have inspected the site and have certified that there are no violations of the regulations in general and that there are no habitations and fruit orchard within 800 meters or brick kiln within one kilometer in particular, we failed to understand as to how the petitioner herein, only on the basis of the averments in the affidavit as well as through some



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satellite maps, can dispute the inspection reports of the statutory authorities. It is well settled ratio that the High Court, in exercise of its power under Article 226 of the Constitution of India, will not venture to adjudicate disputed facts. Thus, the sworn statement of the District Environmental Engineer in this writ petition is hereby recorded. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

21.01.2025

NCC : Yes/No

Index : Yes/No

RR

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4. The Revenue Divisional Officer,
Sankarankoil, Tenkasi District

5. The Tahsildar,
Sivagariri Taluk, Tenkasi District..

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ORDER
IN
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