



WEB COPY



W.P.No.19924 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.19924 of 2022

R.Silambarasan

.. Petitioner

vs

1.The Chief Secretary,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director,
Office of the Director of Geology and Mines,
Guindy, Chennai.

3.The District Superintendent of Police,
Office of District Superintendent of Police,
Nagappattinam.

4.The District Collector,
Office of the District Collector,
Nagapattinam.

5.The Assistant Director,
Office of Geology and Mines
Nagapattinam.

6.The Tahsildar,
Office of the Tahsildar,
Nagapattinam.

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 04.07.2022 to stop the construction of sand quarries at Perumkadambanur, Ilamkadambanur, Chirangudipuliyur villages, Nagapattinam District.

For the Petitioner : Mr.G.Savarabhavan
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan,
Government Advocate

* * * * *

ORDER

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

The writ petition has been filed to seek a direction on the respondents to consider the representation made by the petitioner on 04.07.2022 and to stop the construction of sand quarries at Perumkadambanur, Ilamkadambanur, Chirangudipuliyur villages, Nagapattinam District.



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2. The petitioner made allegations about illegal quarrying by certain persons. However, no one has been impleaded in this writ petition who are said to have been involved in illegal quarrying.

3. The learned State Government Pleader, on the other hand, submitted that for the land in question, lease for quarrying has been granted on certain conditions and accordingly, the allegation of illegal quarrying has wrongly been made by the petitioner. The reference of different quarry leases under the Tamil Nadu Minor Minerals Concession Rules, 1959, have been given. It is with the further statement that the petitioner was found involved in illegal quarrying, thus, a case was registered and otherwise there are many criminal case pending against him. He would further submit that the writ petition has been filed to blackmail the lease holders, thus, the writ petition deserves to be dismissed with heavy costs.

4. Learned counsel for the petitioner submits that he has no knowledge about the grant of quarry lease by the official respondents and so far as the criminal cases registered against him are concerned, they are false cases.



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5. We have considered the submissions and find that the writ petition has been filed alleging illegal quarrying, while the respondents have produced the details of the quarry leases granted in different survey numbers, and thus, it is not a case of illegal quarrying. The petitioner was under obligation to ascertain the facts aforesaid before filing the writ petition and he cannot plead ignorance about the quarry leases granted as per law. We further find that the petitioner is having criminal track record which includes a case under Mines and Minerals (Development and Regulation) Act also.

6. Taking the overall facts of the case, we find the present petition to be not bonafide rather for a purpose stated by the learned State Government Pleader and thereby, taking the report dated 03.08.2022 submitted by the learned State Government Pleader on record, we dismiss the writ petition with imposition of costs of Rs.50,000/- (Rupees fifty thousand only) to be paid to the Tamil Nadu State Legal Services Authority within fifteen days. The Registrar (Judicial), High Court, Madras is directed to ensure



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compliance of payment of cost within the stipulated time and if payment of cost is not made, the disposed of writ petition may be listed again before this court to take appropriate proceedings in the matter.

(M.N.B., CJ.) (D.B.C., J.)
04.08.2022

Index : Yes/No
sra

To:

- 1.The Chief Secretary,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Director,
Office of the Director of Geology and Mines,
Guindy, Chennai.
- 3.The District Superintendent of Police,
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M.N.Bhandari, CJ.
and
D.Bharatha Chakravarthy, J.

(sra)

5.The Assistant Director,
Office of Geology and Mines
Nagapattinam.

6.The Tahsildar,
Office of the Tahsildar,
Nagapattinam.

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04.08.2022