

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.304 of 2024 (SZ)**

In the matter of:

Irai Thamarai. M,
Karur.

... Applicant(s)

Versus

Union of India,
Rep. by its Secretary of Government,
MOEF & CC, New Delhi and ors.

...Respondent(s)

**REPORT FILED BY THE 4TH RESPONDENT –
THE DISTRICT COLLECTOR, KARUR**

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**Through
Dr. D. Shanmuganathan
Standing Counsel for Government of Tamil Nadu
National Green Tribunal
Southern Zone, Chennai**

DATE:04.06.2025

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.304 of 2024 (SZ)

IN THE MATTER OF:

Mrs. Irai Thamarai.M
W/o.V.Mathiazhaga,
77/88A Uppu Palayam,
Kuppam (PO), Pugalur Taluk,
Karur - 639 111

... Applicant

- Vs. -

1. Union of India,
Rep. by Its Secretary of Government
Ministry of Environment, Forest and Climate
Change, Indira paryavaran Bhavan,
Jorbagh Road, New Delhi-110 003.
Email: secvmoef@nic.in
2. The State Environment Impact Assessment,
Authority (SEIAA),
Rep.by its member Secretary,
3rd floor, No.1 Panangal Maligai Building,
Jennis Road, Saidapet,
Chennai - 600 015.
Email: sciaamstn@gmail.com
3. Director,
Directorate of Geology and Mining,
Industrial Estate,
Guindy, Chennai - 600 032
Email: geomine@tn.nic.in
4. The District Collector,
Karur District, Karur - 639 007
Email: cllrkar@nic.in

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GEOLOGY AND MINING.
KARUR


DISTRICT COLLECTOR
KARUR

5. The Assistant Director,
Department of Geology and Mining,
Collectors Office, Karur - 639007
6. Tamil Nadu Pollution Control Board,
District Environment Engineer,
48, Ramkrishnapuram,
Karur - 639 001.
7. District Superintendent of Police,
Collector Office Campus,
Behind RTO Office Road,
Thanthoni, Karur - 639 007
8. The District Revenue Officer,
District Revenue Office,
Sh-874, First Floor Collector Office,
Karur 639 007
9. The Tashildar,
Tashildar Officer, Pugalur,
Karur District - 639 113.
10. Mrs. Manjula,
W/o.P.K.Ponnusamy,
8/87D, Pasupathipalayam,
Punnam Village, Pugalur Taluk,
Karur 639 136.
11. Mr.S.Gunasekaran,
S/o.R.Subramani,
Punnam Village, Punnam Post,
Nadupalayam, Pugalur Taluk,
Karur 639 136.
12. Mr.Thangaraj,
S/o.R.Subramani,
Door No.2/31,
Punnam Village Punnam Post,
Nadupalayam, Pugalur Taluk,
Karur 639 136.

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13. Mr.P.K.Ponnusamy,
8/87 D, Pasupathipalayam,
Punnam Village Punnam Post,
Nadupalayam, Pugalur Taluk,
Karur 639 136.
14. M/s. Karpaga Vinayaga Blue Metal,
Proprietor Udayakumar Suganya
Having its registered address at,
972/8, 972/9 Sadaiampalayam,
Punnam PO,
Pugalur Taluk,
Karur - 639 136.

Respondent

REPLY AFFIDAVIT FILED BY THE 5TH RESPONDENT.

I, M.Thangavel, I.A.S., S/o. Meenakshi sundaram, Hindu, aged about 57 years, serving as District Collector, Karur District, do hereby solemnly affirm and sincerely state that I had been placed as 5th respondent to the Original Application No.304 of 2024 filed by the applicant in the Hon'ble National Green Tribunal (Southern Zone). I am well acquainted with the facts and circumstances of the case. I have carefully gone through the affidavit of the applicant, and I hereby firmly deny all the averments put forth therein as fabricated and erroneous, except those that are specifically and expressly admitted hereunder. At the outset of this reply affidavit I respectfully submit that the applicant to achieve her objective approached the Hon'ble District Munsif Court Karur in O.S.No.324 of 2024 and Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.27348 of 2024 simultaneously with this

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KARUR**

[Signature]
**District Collector
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O.A.No.304 of 2024 filed before the Hon'ble National Green Tribunal (Southern zone). In the above cases the applicant projected disputes on some of the lands involved in stone quarry lease granted to the 14th respondent, and applied for the said purpose.

2) It is submitted the applicant herein had filed the application praying to :-

(i) An investigation into the operations of respondents 10 to 14, focusing on safety standards and legality of their continued operations, beyond the lease period.

(ii) To enforce environmental laws and regulations regarding the compliance of the respondents 10 to 14 with safety and pollution control protocols .

(iii) A restraining order to prevent respondents 10 to 14 from continuing quarry operations until compliance with all legal and safety requirements.

(iv) To implement necessary measures to rectify any environmental damage already caused by the quarry operations.

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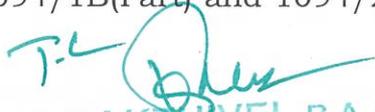

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3) BACK GROUND TO THE PRAYER OF THE APPLICANT:

It is submitted that, the survey numbers 1092/1A, 1092/1B, 1092/2A1, 1093/1A, 1093/1B and 1093/2A1 of Thennilai (East) village, Pugalur Taluk in Karur District were furnished by the applicant for stopping the quarrying operations. In this context the following are submitted.

- (i) As per the Proceedings of the District Collector, Karur in Rc.No.T/51/2004, dated:20.05.2004 a Gravel & Roughstone quarry lease had been granted to one Thiru.R.Subramani over an extent of 1.48.5 hectares in S.F.No. 1092/1B, 1093/1B and 1094/1B, for a period of 5 years from 01.06.2004 to 31.05.2009, in Punnam Village of the erstwhile Aravakurichi Taluk in Karur district.
- (ii) The District Collector, Karur, in his Proceedings No.B/357/2009, dated:30.10.2010 granted a quarry lease for Gravel and Roughstone, for a period of 5 years from 18.02.2010 to 17.02.2015 to the same person Thiru.R.Subramani, over an extent of 0.43.5 hectares in S.F.No:1094/1B(Part) and 1094/2A(Part) of Punnam village

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in the erstwhile Aravakurichi and presently Punnam Taluk of Karur District.

- (iii) As per the proceedings no.363/Kanimam/2012, dated:30.12.2013, the S.F.Nos.1092/2A2, 1092/2B, 1093/2A2, 1093/2B, 1094/2A2 and 1094/2B, over an extent of 1.78.5 hectares in the erstwhile Aravakurichi and present Pugalur Taluk of Karur District to one Thiru.K.M.Gurusamy for a period of 5 years from 30.12.2013 to 29.12.2018, to quarry and remove rough stone and gravel.
- (iv) In the proceedings No:Rc.1445/Kanimam/2014 dated:18.02.2016, the District Collector, Karur granted a gravel and roughstone quarry lease over an extent of 3.20.5 hectares in S.F.No.1093/1A(Part), 1093/B(Part), 1093/2A1(Part), 1094/1A, 1094/1B and 1094/2A1 of Punnam village, Pugalur taluk of Karur district to Thiru.R.Subramani, for a period of 5 years from 26.02.2016 to 25.02.2021.
- (v) Finally, as per the proceedings of the District Collector in Rc.No.1144/Kanimam/2017, dated:04.05.2018 a quarry lease for Gravel and Roughstone, over an extent of

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1.63.5hectares in S.F.No.1092/1A(P),1092/1B(P), 1092/2A1(P), 1093/1A(P), 1093/1B(P) and 1093/2A1(P) of Punnam Village, Pugalur taluk of Karur district to Tvl.Karpagavinayaga Blue metals, for a period of 5 years from 04.05.2018 to 03.05.2023.

- (vi) The Commissioner of Geology and Mining, ordered in proceedings Rc.No.855/MM6/2023, dated:07.02.2023 extending the lease period of 15 months from 04.05.2023 to 03.08.2024 to Tvl.Karpaga Vinayaka Blue Metals, to continue quarrying operations, in compensation of the Non-operation period during Covid-19.
- (vii) Tvl.Karpaga Vinayaga Blue Metals, the 14th respondent had been levied a penalty of Rs.71,99,674/- (Rupees Seventy One Lakhs Ninty Nine Thousand Six Hundred and Seventy Four Only) for illegal quarrying of roughstone in S.F.No.1092/1A(0.14.5 hecets), 1092/1B(0.11.0 hecets), 1092/2A1(0.04.5 hecets), 1093/1A(0.65.0 hecets), 1093/1B(0.40.5 hecets) and 1093/2A1 (0.28.0 hect) vide proceedings of the Revenue Divisional Officer,Karur in R.C.No.A1/2387/2023-6, dated:08.06.2023. Aggrieved by the orders the 14th respondent preferred a writ petition in

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the Hon'ble Madurai Bench of Madras High Court in W.P(MD) No.31315 of 2023. The Hon'ble High Court Ordered that as follows:

- (i) Para-5 "This court direct the first respondent to dispose of the appeals preferred by the petitioners on or before 18.01.2024"
- (ii) Para-6 "There shall be an order of interim stay till the disposal of the appeals"
- (iii) Para-7 "There shall be a direction to the respondents 1 and 3 to issue quarry permit to the petitioners based on the existing quarry lease agreements, dated 20.04.2023 till the disposal of the appeal".

and obtained interim injunction in W.M.P(MD)No.12796 of 2024.

- (viii) A fresh application was filed by the 14th respondent on 01.07.2024 for the grant of a Roughstone and Gravel over an extent of 6.30.0 hectares in S.F.No.1094/1B(0.03.0 hect), 1092/2B(0.13.5 hect) 1094/2A2(0.27.5 hect), 1093/1B (0.18.5 hect), 1094/1B(0.58.0hect), 1092/2A (0.40.0 hect), 1093/2A2(0.22.5 hect), 1094/2B(0.72.5 hect), 1093/2A (0.11.0 hect), 1092/1A(0.14.5 hect), 1093/1A2(0.65.0 hect), 1092/2A2(0.11.0 hect),

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1093/2B(0.31.5hect), 1093/1A(0.31.5 hect), 1094/1A(1.48.5 hect), 1092/1B(0.11.0 hect) and 1093/1B (0.40.5 hect) of Punnam village, Pugalur Taluk in Karur district. The application was processed as per the rule 19(1),20, 41 and 42 of The Tamilnadu Minor Mineral Concession Rules 1959 and issued with "Precise Area" Communication under Rule 41(4) of the said rules, subject to a condition the penalty amount levied should be remitted before commencing quarrying operations in the aforesaid area. The applicant have submitted a unregistered documents for remittance of penalty amount.

- (ix) As regards the complaint petition of the applicant dated:14.10.2024, the Taluk Level Task Force was entrusted to probe and take appropriate actions vide RC.No.668/Kanimam/2024.
- (x) The 14th respondent also furnished a letter stating that the S.F.No.1092/2, 1093/2 and 1094/2 over a combined extent of 4.38 acres had been purchased by him on 12.01.2023 and 01.02.2024 dated documents from one Thiru.K.M.Gurusamy. The said survey numbers were originally owned by Nallasamy, S/o.Karuppannagounder

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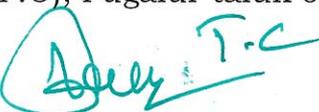

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and papayee w/o.Kulandaisamy. The first level purchaser Tmt.P.Manjula and secondly re-sold to Thiru.K.M.Gurusamy. The last purchaser of the said lands is the 14th respondent.

- (xi) The applicant, claiming that she is the daughter of Tmt.Papayee and disputing the purchase and quarrying application of the 14th respondent.
- (xii) A civil case is O.S.No.324 of 2024, filed by the 14th respondent against applicant Tmt.Irai Thamarai in the Hon'ble District Munsif Court, Karur is pending for disposal at the Court.
- (xiii) The enquiry report of the Taluk Tahsildar Pugalur on the complaint petition of the applicant is yet to be received by this respondent.
- (xiv) The respondent number 10 to 13 are not directly connected with the quarry leases granted by the 4th respondent not the 14th respondent, which is a proprietorship company, represented by udayakumar suganya, and having registered address at 972/8, 972/9, sadaiampalayam, Punnam village (P.O), Pugalur taluk of Karur district.

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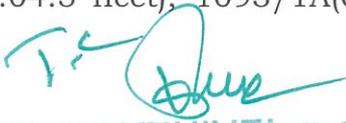
4) MALAFIDES IN THE APPLICATION OF THE APPLICANT

a) No proof or evidences were adduced by the applicant for her rights over 7.235 cents of land from the total extent of 1.63.5 hectares in patta S.F.No.1092/A2, 1092/2B, 1093/2A2, 1093/2A, 1094/2A2, 1094/2B, 1092/2, 1093/2, 1094/2, 1092/1, 1093/2 and 1094/2 of Punnam Village, Pugalur taluk in Karur district.

b) The ownership rights of the applicant have to be established before the Civil Court in O.S.No.324/2024 before the District Munsiff Karur.

c) The applicant in addition to the Original suit, filed a writ petition in the Hon'ble Madurai Bench of Madras High Court praying to forbear the respondents. The Commissioner of Geology and Mining and the Tahsildar Pugalur for issuing any Roughstone quarry licence without the consent of her. In the writ petition the mentioned 1094/1B(0.03.0 hect), 1094/2A(0.40.5 hect) 1092/2A2(0.11.0 hect) S.F.Nos. 1092/2B(0.13.5 hect), 1093/2A2(0.22.5 hect), 1093/2B(0.31.5 hect), 1094/2A2(0.27..5 hect), 10942B(0.72.5 hect), 1093/1A(0.31.5 hect), 1093/1B(0.18.5 hect), 1093/2A1(0.11.0 hect), 1094/1A(1.48.5 hect), 1094/1B(0.58.0 hect) 1092/1A(0.14.50 hect), 1092/1B(0.11.0 hect), 1092/2S(0.04.5 hect), 1093/1A(0.65.00 hect), 1093/1B(0.40.50

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hects) and 1093/2A1(0.28.00 hect) of Punnam Village, Pugalur Taluk in Karur district.

d) The Hon'ble High Court of Madras, Madurai Bench Ordered on 18.11.2024 to consider the objections raised by the petitioner in the light of the report to be submitted by the Tahsildar, Pugalur Taluk in Karur District. The enquiry notice sent by 5th respondent to the petitioner and 14th respondent on 28.02.2025 as per the above said court ordered.

e) As regards the quarry lease application of the 14th respondent, the competent authority, viz the Revenue Divisional Officer, Karur provided the land availability report in respect of the lands applied by the 14th respondent in S.F.No. 1092/1A(0.18.5 hecats), 1092/1B(0.17.50 hecats), 1092/2A1(0.10.75 hecats), 1092/2A2(0.05.5 hecats), 1093/1A(0.75.25 hecats), 1093/1A(0.92.00 hecats), 1093/1B(0.57.00 hecats), 1093/2A1 (0.40.50 hect), 1093/2A2 (0.22.50 hect), 1093/2B(0.31.50 hect, 1094/1A(1.40.50 hect), 1094/1B(0.58.50 hect), 1094/2A(0.53.0 hecats), 1094/2A2(0.23.0 hecats) and 1094/2B(0.52.00 hect) totally comprising 6.30.0 hectares in Punnam Village, Pugalur Taluk of Karur district. The said report of the Revenue Divisional Officer involves field verifications, scrutiny or Revenue records,

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statements and reports of the Tahsildar, Revenue Inspector, & Village Administrative Officer of Punnam Village. The applicant Tmt.Irai Thamarai failed to approach the Revenue authorities while carrying out appropriate enquiries in the village and an afterthought filed, writ petition and original application in the appropriate forums on her own convenience.

f) As stated in the paragraph number 3(i) to (ix) of this reply affidavit different extents in patta survey numbers 1092/1A, etc of Punnam village were under the Mineral concessions granted to Tvl.R.Subramani, K.M.Gurusamy and Karpagavinayaga blue metals, the 14th respondent to this case for block periods of 5 years from the year 2004-2009-2010-2015, 2013-2018, 2018-2023 and extended period ending on 03.08.2024.

g) The 14th respondent was in possession of the clearance granted by District Level Environment Impact Assessment Authority DEIAA/DIA/TN/MIN/13778/2018-KRR/EcNo.99/2018/Mines, dated:23.04.2018. As per the Notification issued by the Ministry of Environment, Forest and Climate change the validity of the environmental clearances were enhanced.

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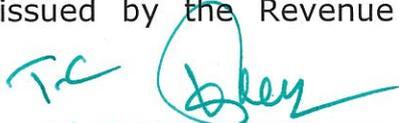

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h) The quantity allowed in the extension of quarry lease orders of the Commissioner of Geology and Mining as 1,17,231 cbm was reconciled with the quantity of Roughstone produced and dispatched by the 14th respondent as 78,979/-. The decline in progress of production had been attributed as impact of Covid-19 Pandemic.

i) The Hon'ble Madurai Bench of Madras High Court Ordered on 22.12.2021 in W.P.(MD)No.22770 of 2021 for verification of existing, lease expired and abandoned quarries of Karur District. In accordance with the said orders, the 4th respondent to this original application constituted a district level team under District Revenue Officer, Karur, along with Assistant Director(Survey and land records), Karur, Divisional Environmental Engineer, Tamilnadu Pollution Control Board, Karur respective Revenue Divisional Officers, Taluk Tahsildar and Inspector of Police vide proceedings No.A2/2975/2022, dated:24.02.2022. The said team inspected all the quarries of Karur district, in a phased manner. The quarry of the 14th respondent was inspected in the first phase, and the team furnished a report after verifying their adherence to mine safety conditions, method of quarrying depth of the quarry pit, maintenance of boundary barrier zones, fencing the lease area, erection of name board and all other relevant factors. Considering the report of the special team the Revenue Divisional Officer, Karur vide Proceedings No.A1/2387/2023, dated:08.06.2023 imposed penalty on the 14th respondent. In this regard the 14th respondent preferred 1st Appeal before the District Collector, Karur against the order issued by the Revenue Divisional Officer vide

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Proceedings Na.Ka.A1/2387/2023-6 dated 08.06.2023. Further, the 14th respondent have approached the Hon'ble Madurai Bench of Madras High Court in W.P.(MD) 31315/2023, and the Hon'ble Madurai Bench of Madras High Court have passed order in W.P.(MD) No.31314, & 31315/2023 and W.M.P(MD)Nos.26848, 26852, 26856 & 26858/2023, dated:28.12.2023 cited as :

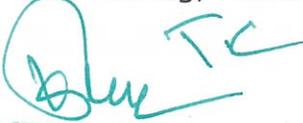
Para-5 "This court direct the first respondent to dispose of the appeals preferred by the petitioners on or before 18.01.2024"

Para-6 "There shall be an order of interim stay till the disposal of the appeals"

Para-7 "There shall be a direction to the respondents 1 and 3 to issue quarry permit to the petitioners based on the existing quarry lease agreements, dated 20.04.2023 till the disposal of the appeal".

j) Based on the orders of the Hon'ble High Court of Madras, Madurai Bench the District Collector, Karur to dispose the appeal petitions before 18.01.2024, upholding the proceedings of the Revenue Divisional Officer, Karur as the offender/ 14th respondent has not carried out quarrying operation as per the mining plan, violated the lease deed condition and the EC condition as per Rule 36-A (1) (3) and (5) of TNMMCR 1959. Further the District Collector had filed a Counter Affidavit on 05.04.2024 and the same is pending before the Hon'ble Madurai Bench of Madras High Court. Further, the 14th respondent have preferred an 2nd appeal before the Commissioner of Geology and Mining, Chennai against the order

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passed by the 4th respondent/District Collector, Karur in vide proceeding RC.No.407/Mines/2023 dated 18.01.2024.

(k) The extension of lease period for 15 months was ordered through the proceedings of the Commissioner of Geology and Mining in Rc.No.855/MM6/2023, dated:07.02.2023. Reiterating the said order, the Deputy Director, Geology and Mining issued a proceedings in R.C.No.79/Mines/2023, dated:31.03.2023. The following conditions were imposed in the said proceedings.

(i) The date of expiry of the lease period is 15 months from the original date of expiry of the quarry lease (i.e 04.05.2018 to 03.05.2023 and 04.05.2023 to 03.08.2024).

(ii) A supplementary lease shall be executed for the extended period and has to be registered at the expense of the lessee.

(iii) The extended lease period of 15 months to be leased on 03.08.2024 or till the completion of 1,17,231cbm of unquarried roughstone.

(iv) The terms and conditions of the original lease, approved mining plan and environment clearance have to be adhered along with the Act and Rules.

Therefore the claim of the applicant, as the 14th respondent fraudently extended the lease for a further period of one year is not sustainable before law.

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**DEPUTY DIRECTOR,
GEOLOGY AND MINING,
KARUR**

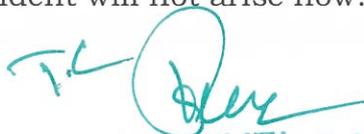

**K. SAKTHIVEL, B.A., B.L.,
ADVOCATE & NOTARY PUBLIC
27, N.K.N. Complex,
West Madavilagam Street, KARUR-639 001.
Cell: 94437 11593**


**District Collector
Karur.**

l) The complaints put forth by the applicant regarding the non-adherence of safety aspects by the 14th respondent is unfounded. During the lease extension period, the special team organised by the District Collector verified and inspected the lease area and upon their recommendation, for breach of conditions and violations reported, the Revenue Divisional Officer, Karur imposed a penalty of Rs.71,99,674/- (Rupees Seventy One Thousand Ninety Nine Thousand Six Hundred and Seventy Four Thousand only). As per the section 23-A of Mines and Minerals(Development and Regulation) Act 1957, the offences committed by the 14th respondent were compounded. Therefore the averments made by the appeal petitioner on safety aspects not followed by the 14th respondent are null and void before law. Moreover, the subject area applied for another term of quarry lease is under process, and the area is in idle condition from 04.08.2024.

m) It is respectfully submitted, that the applicant mechanically levelled all sorts of allegations on the 14th respondent. The allegations on 10th to 13th respondents are not connected with this respondent. The prayer furnished for immediate investigation, enforcement of regulatory compliances, restraining operations and mitigation measures on the 14th respondent will not arise now. All the above factors will only

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DEPUTY DIRECTOR,
GEOLOGY AND MINING,
KARUR


District Collector
Karur.

play their role only after the grant of lease with all statutory requirements and compliance to Act and Rules.

5) Reply to Grounds:-

Ground 'A' &'B' : Infertuous grounds. The quarry lease application is under process.

Ground "C" & "D" : All the breach of conditions, violations were found by a special team organised in proceeding No.A2/2975/2022, dated:24.02.2022 and compounded by the penalty proceedings of the 8th respondent vide Proceedings no.A1/2387/2023, dated:08.06.2023.

Ground: "E", "F" & "G": The contention of the applicant regarding the continued operation of the quarry by the 14th respondent beyond the extended period expiry is a malafide and vexatious act of the applicant. She produced no solid proof or evidence for that. The document registered by the 14th respondent in the year 2023 is pertaining to the supplementary lease deed executed by the 4th respondent for the period from 04.08.2023 to 03.08.2024. Moreover no natural features as described in the citation case were disturbed by the quarrying activities. Because adequate prior restrictions and monitoring are envisaged.

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No of Corns :


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DEPUTY DIRECTOR,
GEOLOGY AND MINING,
KARUR


District Collector
Karur.

Ground "H" "I":

The prevalence of clearances on Air and Water will be required while commencing quarrying operations after fulfilling all the statutory requirements and terms and conditions of the quarry lease.

In no way the protection of life and personal liberty under Article 21, and equality before law under article 14 of the constitution are in any way disturbed. The quoting of Article 51 of the constitution of India is a irrelevant one.

6) It is respectfully submitted that the interim relief sought by the applicant are not applicable for the following reasons.

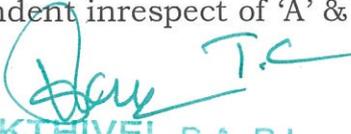
(i) The directions requested in 'a' to 'c' are infructuous, since all the relevant actions were completed by the special team organised in the proceedings of the 4th respondent in Rc.No.A2/2975/2022, dated:24.02.2022.

(ii) The respondents 10 to 13 are not the parties to the quarry lease granted to the 14th respondent (Protection) Act 1985 are to be verified by the 2nd respondent to this original application.

(iii) The matter furnished under 'A' to 'E' under prayer part, pertains to the 2nd respondent in respect of 'A' & 'C' and as regards 'B' &

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No of Corns :


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DEPUTY DIRECTOR,
GEOLOGY AND MINING,
KARUR


District Collector
Karur.

'D' all the required actions were already taken during the lease period & extension period. The matter furnished under 'E' is for the considerations of the Hon'ble National Green Tribunal (Southern Zone)


BEFORE ME
District Collector
Karur.

VERIFICATION

I, M.Thangavel, I.A.S., S/o. Meenakshisundaram, aged about 57 years serving as District Collector, Karur, the 4th respondent in O.A.No.304 of 2024 do hereby solemnly affirm and sincerely state that the reply affidavit is furnished to the Hon'ble National Green Tribunal (Southern Bench) with the available records of the office of the 5th respondent. They are precise and correct to my knowledge.

Verified at Karur on this 27th day of May 2025.

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DEPUTY DIRECTOR,
GEOLOGY AND MINING,
KARUR


K. SAKTHIVEL, B.A., B.L.,
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L. P. J. 18/1/24



21

ANNEXURE 1



W

W.P(MD)Nos.31314 & 31315 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand and Twenty Three

PRESENT



The Hon`ble Mrs.Justice L. VICTORIA GOWRI

W.P(MD)Nos.31314 & 31315 of 2023

and

W.M.P(MD)Nos.26848, 26852, 26856 & 26858 of 2023

ADCham

M/S. BHARANI MURUGAN BLUE METAL,
REP. BY ITS MANAGING PARTNER,
SHIYAS MOHAMMED,
S/O. C.K.MOHAMMED,
K.PARAMATHI
NADANDHAIY POST,
ARAVAKURICHI TALUK,
KARUR DISTRICT.

... PETITIONER
IN WP(MD)NO.31314 OF 2023

M/S. KARPAGA VINAYAGAR BLUE METAL,
REP. BY ITS MANAGING PARTNER,
P.K.PONNUSAMY,
S/O. KARUPPANNA GOUNDER,
SF NO. 972/8, SADAYAMPALAYAM,
PUNNAM VILLAGE,
PUGALUR TALUK,
KARUR DISTRICT.

.. PETITIONER
IN WP(MD)NO.31315 OF 2023

Vs

1 THE DISTRICT COLLECTOR
KARUR DISTRICT,
KARUR.

ab766495



W.P(MD)Nos.31314 & 31315 of 2023

2 THE REVENUE DIVISIONAL OFFICER,
KARUR REVENUE DIVISION,
KARUR.

3 THE DEPUTY DIRECTOR
DEPARTMENT OF GEOLOGY AND MINING,
KARUR DISTRICT.

... RESPONDENTS
IN BOTH CASES

PRAYER IN WP(MD)NO.31314 OF 2023

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the impugned show cause notice issued by the 1st Respondent in Na.Ka.No. 87/Mineral / 2021 dated 15.12.2023 and quash the same and consequently issue a direction directing the 1st Respondent to dispose of the petitioners statutory appeal pending on the file of the 1st Respondent within the time limit that may be fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 26848/ 2023 :

To pass order of stay all further proceedings in pursuant to the impugned show cause notice issued by the 1st Respondent in Na.Ka.No. 87/Mineral / 2021 dated 15.12.2023 pending disposal of the writ petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 26852/ 2023 :

To pass an order of Interim direction, directing the 1st and 3rd Respondents to issue Quarry Permit to the petitioner based on the Quarry Lease deed dated 04.03.2022 commencing from 04.03.2022 to 03.03.2027 pending disposal of the writ petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



W.P(MD)Nos.31314 & 31315 of 2023

Prayer in WP(MD). 31315/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the impugned show cause notice issued by the 1st Respondent in Na.Ka.No. 87/Mineral / 2021 dated 15.12.2023 and quash the same and consequently issue a direction directing the 1st Respondent to dispose of the petitioners statutory appeal pending on the file of the 1st Respondent within the time limit that may be fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 26856/ 2023 :

To pass order of stay all further proceedings in pursuant to the impugned show cause notice issued by the 1st Respondent in Na.Ka.No. 87/Mineral / 2021 dated 15.12.2023 pending disposal of the writ petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WMP(MD). 26858/ 2023 :

To pass an order of Interim direction, directing the 1st and 3rd Respondents to issue Quarry Permit to the petitioner based on the existing Supplementary Quarry Lease Agreement dated 31.03.2023 under Document No. 2996/2023 granting lease to the petitioner for a period of 15 months from 04.05.2023 to 03.08.2024 pending disposal of the writ petition and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of MR.B.PRASANNA VINOTH, Advocate for the petitioner in both cases and of MR.P.SUBBARAJ, Special Government Pleader on behalf of the Respondents in both cases, the court made the following order:-

The petitioner-M/s.Bharani Murugan Blue Metal in W.P(MD)No.31314 of 2023 is having valid licence to quarry commencing from 04.03.2022 to 03.03.2027,



W.P(MD)Nos.31314 & 31315 of 2023

which was approved by the third respondent vide proceedings in Na.Ka.No.240/Mines/2020, dated 04.03.2022 and thereafter, quarrying lease deed was executed by the third respondent.

2.The petitioner-M/s.Karpaga Vinayaga Blue Metal in W.P(MD)No.31315 of 2023 is having valid licence to quarry commencing from 04.05.2018 to 03.05.2023 and the same was extended by a supplementary quarry lease agreement dated 31.03.2023 for the period from 04.05.2023 to 03.08.2024 which was approved by the first respondent vide proceedings in Na.Ka.No.1144/Mines/2017, dated 04.05.2018 and thereafter, quarrying lease deed was executed by the third respondent.

3.In the meanwhile, the second respondent levied penalty against the petitioners vide proceedings, dated 08.06.2023. Challenging the same, the petitioners preferred statutory appeals under Rule 36-C(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 ('TNMMCR, 1959') before the first respondent. However, without disposing of the said appeals, the impugned show cause notice dated 15.12.2023 came to be passed by the first respondent against the petitioners.



W.P(MD)Nos.31314 & 31315 of 2023

4.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents.

5.In view of the above, this Court direct the first respondent to dispose of the appeals preferred by the petitioners on or before 18.01.2024.

6.In the meanwhile, there shall be an order of interim stay till the disposal of the appeals.

7.Further, in the meanwhile, there shall be a direction to the respondents 1 and 3 to issue quarry permit to the petitioners based on the quarry lease agreement, dated 04.03.2022 and based on the existing supplementary quarry lease agreement, dated 31.03.2023 respectively till the disposal of the appeals.

8.For filing counter, post the matter on 22.01.2024.

sd/-
28/12/2023

/ TRUE COPY /


8 / 01 / 2024

Sub-Assistant Registrar (C.S. ~~I~~ / II / ~~III~~ / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.


08/1/24

ps



W.P(MD)Nos.31314 & 31315 of 2023

TO

1 THE DISTRICT COLLECTOR
KARUR DISTRICT, KARUR.

2 THE REVENUE DIVISIONAL OFFICER,
KARUR REVENUE DIVISION, KARUR.

3 THE DEPUTY DIRECTOR
DEPARTMENT OF GEOLOGY AND MINING, KARUR DISTRICT.

+2. C.C. to B.PRASANNA VINOTH Advocate SR.No.18397

ORDER
IN

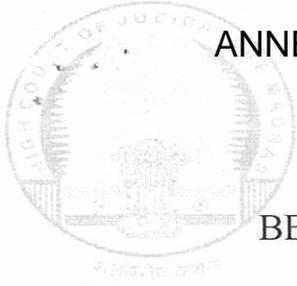
W.P(MD)Nos.31314 & 31315 of 2023
and

W.M.P(MD)Nos.26848, 26852, 26856 & 26858 of 2023

Date :28/12/2023

RK/DD (04/01/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

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

W.P (MD).No.27348 of 2024

and

W.M.P(MD)No.23149 of 2024

M.Iraithamarai

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. by its Chief Secretary,
Geology and Mining Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Geology and Mining,
Chennai.
- 3.The District Collector,
Karur District,
Karur.
- 4.The Assistant Director,
Department of Geology and Mining,
Karur District.
- 5.The Director,
Tamil Nadu Pollution Control Board,
District Environment Office,
Ramanakrishnapuram,
Karur,
Karur District.



W.P (MD).No.27348 of 2024



6.The Tasildar,
Pugalur Taluk,
Pugalur,
Karur District.

7.M/s.Karpaga Vinayagar Blue Metals
through its Managing Partner,
Punnam Post,
Pugalur Taluk,
Karur District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 2 to 6 for issuing any license for Rough Stone Quarry under Minor Mineral Concession Rules, 1959, and from executing any lease deed in the name of the fifth respondent or any other persons without the consent of this petitioner as a co-owner in the properties S.No.1094/1B-0.03.0 hecs, S.No.1094/2A-0.40.5 hecs, S.No.1092/2A2-0.11.0 hecs, S.No.1092/2B-0.13.5 hecs, S.No.1093/2A2-0.22.5 hecs, S.No.1093/2B-0.31.5 hecs, S.No.1094/2A2-.0.27.5 hecs, S.No.1094/2B-0.72.5 hecs, S.No.1093/1A-0.31.5 hecs, 1093/1B-0.18.5 hecs, 1093/2A1-0.11.0 hecs, S.No.1094/1A-1.48.5 hecs, S.No.1094/1B-0.58.0 hecs, S.No.0.53.0 hecs, S.No.1092/1A-0.14.50 hecs, S.No.1092/1B-0.11.0 hecs, S.No.1092/2S1-0.04.50 hecs, S.No.1093/1A-0.65.00 hecs, S.No.1093/1B-0.40.50 hecs, S.No.1093/2A1-0.28.00 hecs in Punnam Revenue Village in Pugalur Taluk in Karur District.

For Petitioner : Mr.F.X.Eugene
For R1 to R6 : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

This writ petition has been filed for a direction forbearing the respondents 2 to 6 from issuing any license for Rough Stone Quarry under Minor Mineral Concession Rules, 1959 from executing any lease deed in respect of the properties comprised in S.No.1094/1B-0.03.0 hecs, S.No. 1094/2A-0.40.5 hecs, S.No.1092/2A2-0.11.0 hecs, S.No.1092/2B-0.13.5 hecs, S.No.1093/2A2-0.22.5 hecs, S.No.1093/2B-0.31.5 hecs, S.No.1094/2A2-0.27.5 hecs, S.No.1094/2B-0.72.5 hecs, S.No.1093/1A-0.31.5 hecs, 1093/1B-0.18.5 hecs, 1093/2A1-0.11.0 hecs, S.No.1094/1A-1.48.5 hecs, S.No. 1094/1B-0.58.0 hecs, S.No.0.53.0 hecs, S.No.1092/1A-0.14.50 hecs, S.No. 1092/1B-0.11.0 hecs, S.No.1092/2S1-0.04.50 hecs, S.No.1093/1A-0.65.00 hecs, S.No.1093/1B-0.40.50 hecs, S.No.1093/2A1-0.28.00 hecs in Punnam Revenue Village in Pugalur Taluk in Karur District in favour of the 7th respondent herein.

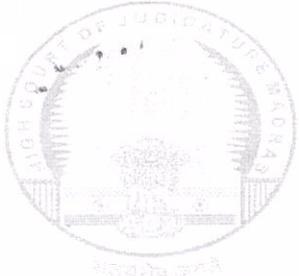
2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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



W.P (MD).No.27348 of 2024

4. The properties comprised in S.No.1094/1B-0.03.0 hecs, S.No. 1094/2A-0.40.5 hecs, S.No.1092/2A2-0.11.0 hecs, S.No.1092/2B-0.13.5 hecs, S.No.1093/2A2-0.22.5 hecs, S.No.1093/2B-0.31.5 hecs, S.No.1094/2A2-. 0.27.5 hecs, S.No.1094/2B-0.72.5 hecs, S.No.1093/1A-0.31.5 hecs, 1093/1B-0.18.5 hecs, 1093/2A1-0.11.0 hecs, S.No.1094/1A-1.48.5 hecs, S.No. 1094/1B-0.58.0 hecs, S.No.0.53.0 hecs, S.No.1092/1A-0.14.50 hecs, S.No. 1092/1B-0.11.0 hecs, S.No.1092/2S1-0.04.50 hecs, S.No.1093/1A-0.65.00 hecs, S.No.1093/1B-0.40.50 hecs, S.No.1093/2A1-0.28.00 hecs in Punnam Revenue Village in Pugalur Taluk in Karur District were issued with license for rough stone quarrying in favour of the 7th respondent herein. It was expired on 03.08.2024. Subsequently, the 7th respondent applied for renewal of licence. The seventh respondent is a partnership firm which is having a license and lease in its favour. While being so, the petitioner is claiming to be a owner of portion of land in which, the seventh respondent sought for rough stone quarrying license and submitted a representation before the fourth respondent. That apart, the petitioner also filed a suit in O.S.No.324 of 2024 as against the seventh respondent herein, on the file of the District Munsif, Karur and it is pending without any interim order. Further, on the complaint lodged by the petitioner, the fourth respondent directed the jurisdictional Tahsildar to conduct an enquiry and submitted a report and it is pending.



W.P (MD).No.27348 of 2024

5. The learned counsel for the petitioner would submit that insofar as the suit is concerned, it is related to some other party and not related to the subject property herein. However, now on the objections raised by the petitioner, the fourth respondent directed the jurisdictional Tahsildar to conduct an enquiry and submitted a report

6. In view of the above, the fourth respondent is directed to consider the objections raised by the petitioner in the light of the report to be submitted by the Tahsildar on the complaint copy of the petitioner and dispose of the application submitted by the seventh respondent after giving an opportunity of hearing to the parties concerned and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

18.11.2024



WEB COPY

To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Geology and Mining Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Geology and Mining,
Chennai.
- 3.The District Collector,
Karur District,
Karur.
- 4.The Assistant Director,
Department of Geology and Mining,
Karur District.
- 5.The Director,
Tamil Nadu Pollution Control Board,
District Environment Office,
Ramanakrishnapuram,
Karur,
Karur District.
- 6.The Tasildar,
Pugalur Taluk,
Pugalur,
Karur District.



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W.P (MD).No.27348 of 2024

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.27348 of 2024

18.11.2024