

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-07-2026

CORAM

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THE HON'BLE MR JUSTICE **C.V. KARTHIKEYAN**

AND

THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**

W.P.(MD) No. 24081 of 2024

and

W.M.P.(MD)Nos.20369, 20370, 20374, 21825 and 21939 of 2024

Aatrakkal Neerpasana Sangam
Represented by its President,
K.Thirunavukkarasu, S/o. Kasi,
No.4-60, Ayyanar Street,
Vetriyur, Karaikudi Taluk,
Sivagangai District.

..Petitioner

VS

1.The District Collector
Sivagangai District, Sivagangai.

2.The Deputy Director
Mines and Geology,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer
Devakottai, Sivagangai District.

4.The Tahsildar
Karaikudi, Sivagangai District.

5.The State Environment Impact Assessment
Authority,
No.1, 3rd Floor, Panagal Maaligai,
Jeenis Road, Saidapet,
Chennai - 600015.

6.Sureshkumar

..Respondent(s)



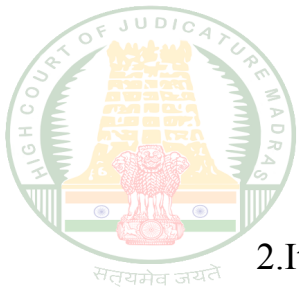
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No. 465/Kanimam/2021 dated 09.08.2024 and quash the same as illegal.

For Petitioner	:	Mr.Henri Tiphagne
For R1 to R4	:	Mr.M.P.Senthil Counsel for State of Tamil Nadu
For R5	:	Mr.N.Dilip Kumar
For R6	:	Mr.J.Anand Kumar
Implead Petitioner :		Mr.A.Manikandan

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The Writ Petition has been filed by the President of a Sangam, called the Aatrunkkal Neerpasana Sangam, Vetriyur, Karaikudi Taluk, Sivagangai District, complaining that the 6th respondent in the Writ Petition, namely, Sureshkumar, had been granted permission by the second respondent/Deputy Director, Mines and Geology in Sivagangai District, vide proceedings in Na.Ka.No.465/Kanimam/2021 dated 09.08.2024 for quarrying gravel at S.No.85/4 measuring 1.18.5 hectares and at S.No.85/5A, measuring 1.28.5 hectares, totally 2.47.0 hectares, at Malaikandan Revenue Village, Karaikudi Taluk in Shivangangi District. The Writ Petitioner questions grant of such permission and has filed the present Writ Petition as a public interest litigation on his behalf and on behalf of the villagers.

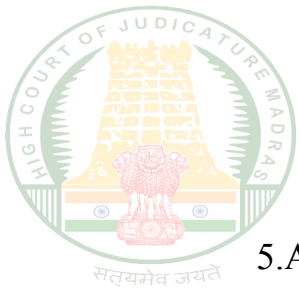


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2.It had been stated that the neighbouring villagers have cultivable lands and that though the 6th respondent had given an undertaking before the official respondents that he had obtained written consent from the adjacent agricultural land owners for transportation of the gravel which is quarried, the fact was that no such permission had been granted by the pattathars of the neighbouring lands.

3.It had also been further stated that there was a supply channel situated in S.No.28 from where water is drawn to the water bodies at Anni Kanmoi and Nedunkulam at S.No.27, which is within 100 metres of the gravel quarry. It had also been contended that an electricity line is running over the quarry and in spite of that, permission has been granted in land measuring 2.47.0 hectares of the land. The petitioner had sought cancellation of the permission granted to quarry gravel by the 6th respondent.

4.A communication was issued by the first respondent that the matter would be decided in accordance with the Tamil Nadu Minor Minerals Concession Rules, 1973. Thereafter, a complaint was also lodged with the jurisdictional police that forgery had been committed in obtaining permission for use of lands as pathway. It was under those circumstances, that the Writ Petition has been filed.



5.A status report had been filed by the second respondent after inspection of the quarry and we would extract paragraph No.5 of the same, which are as follows:

“5.I respectfully submit that, in Rc.No.465/Mines/dated 03.06.2026, the Deputy Director, Geology and Mining has requested the Tahsildar, Karaikudi to furnish the remarks on the representation dated 21.05.2025 of the writ petitioner. Accordingly he submitted the report dated 18.06.2025 stating that, there are no kanmoi, canal, water bodies, High tension power line and archeological site are located nearby the area granted under lease to the 6th respondent.”

6.It had been further contented that Rule 36(1) of the Tamil Nadu Minor Minerals Concession Rules, 1959, stipulates that there should be no quarrying of sand in any river bed or adjoining area, which is located within 500 metre radial distance from the location of any water supply system. It had also been provided that no mining operation can be conducted within the distance of 50 meters from any railway line and that the said distance of 50 metres shall be measured in the case of railways, reservoir or canal, horizontally from the outer toe of the bank.

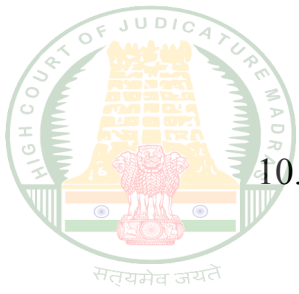
7.A counter affidavit had also been filed by the Deputy Director of Geology and Mining at Sivaganga District, wherein, it had been stated that



necessary permission had been granted on submission of all statutory clearances, as per the prevailing Act and Rules. It had also been stated that quarrying operation had started. It had also been stated that the 6th respondent had provided plantation, repairing of toilet facilities, new chairs and tables and racks for library with books for students. It had been stated that initially, the Tahsildar, Karaikudi was directed to determine whether agricultural lands had been affected owing to the quarry and on receipt of reports that they were not affected, resumption of activity was permitted by order dated 18.06.2025.

8.It was denied that there were violations of Rules in grant of permission to the quarry.

9.The 6th respondent had filed an independent counter affidavit denying the allegations raised in the affidavit filed in support of the Writ Petition. It had been specifically contended that an inspection had been conducted and it was found there was no electricity line over the quarry area. It was stated that the education of the children was not affected in the nearby School. It was also stated that there were no complaints in any form from the village people of Malaikandan village. It had been further contended that the Writ Petition is not maintainable, since the petitioner is a Sangam and has not disclosed the list of members and also whether it had been registered or not registered.



10. We have heard arguments advanced and perused records.

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11. The second respondent had granted permission to the 6th respondent by proceedings in Na.Ka.No.465/Kanimam/2021 dated 09.08.2024 to quarry gravel at land in S.No.85/4(1.18.5 hectares) and S.No.85/5A (1.28.5 hectares), totally 2.47.0 hectares of patta land. There were various conditions imposed for grant of such quarry. Among them, it was specifically stated that a 10 metre distance should be given from the electricity connection/substation which are being put up and a distance of 7.5 metres should be maintained, from agricultural lands. It had been contended that the local Environment Impact Assessment Authority at Chennai had made a spot inspection and had proceeded to issue necessary certificates.

12. It was also stated that the 6th respondent had paid a security deposit of Rs.10,000/-. Finally, after being recommended by the various authorities, permission had been granted by the State Level Environment Impact Assessment Authority granting permission to the 6th respondent to quarry gravel. This permission had been challenged by the Writ Petitioner.

13. It is contended very strongly that the quarry is situated within the limits as prescribed from the School and more importantly, from the water channel. The learned Counsel for the petitioner stated that in a rural area, the



only source of water would be a channel which runs across the fields and if quarrying is conducted within the prohibited distance, then the source of water would get dried up and also polluted from the dust arising during quarrying operation, thereby leading to hardships which could never be redressed by any solution provided by the administration.

14.It was very specifically contented that there was also a residential house within the prohibited limit. It is under those circumstances, complaining that the quarry operation was affecting their livelihood on a day-to-day basis that the Writ Petition had been filed.

15.The learned Counsel for the petitioner insisted that there should be a revisit of the permission granted to the 6th respondent. It was contended that the local pattathars had not granted permission for the gravel to be moved through their land after being excavated and therefore, stated that it would be an exercise in futility, if permission is granted, since it will only result in quarrying gravel, but not transporting the same.

16.This Court had earlier granted an order of interim stay from any operation conducting quarry. We are deeply conscious of the fact that the license would expire on 08.08.2026. We are also conscious that on and from the date of grant of stay, the quarrying operations had stopped. It is not functioning



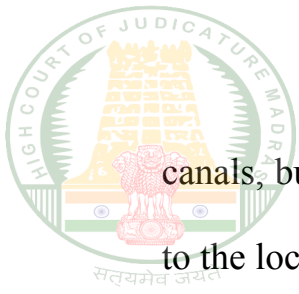
even as on date.

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17.The fact whether the quarrying operations are being conducted within prohibited distance or not is an issue on fact, but there are two different versions given. The learned Counsel for the petitioner insists that it is within the prohibited distance and on the other hand, the respondents claim that it is not, but however, also admit that so far as that particular locality is concerned, this was the edge of the area.

18.It is noted that though the water channel is within the distance of 500 metres, the respondents have held out that the distance required is only 50 meters. A perusal of Rule 36(1) of the Tamil Nadu Minor Minerals Concession Rules, 1959 would show that no quarrying of sand in any riverbed or adjoining area or any other area, which is located within 500 radial distance from the location of any bridge, water supply system, infiltration, Well or pumping installation.

19.Admittedly, the canal, as stated by the petitioner, is at a distance of 131 meters away from S.F.No.87 and 118 meters away from S.F.No.125. Whether the water supply system mentioned in rule 36(1)(b) would also include a canal is a moot question to be answered, but it is to be also noted that a water supply system is a general term, which would include within its fold not just

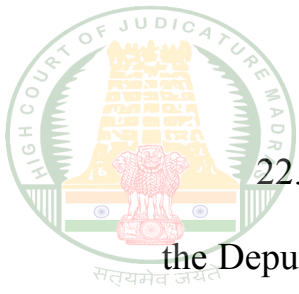


canals, but also kanmois, lakes and any other water body, which provides water to the locality either for agricultural purposes or for drinking purposes.

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20. We can only state that a source of water supply should not be within a distance of 500 metres or rather a quarrying permission should not be granted, when source of water to that locality is less than 500 metres. In the instant case, the canal is at a distance of 131 metres away from S.F.No.87 and 118 metres away from S.F.No.125. By any mathematical calculation, 131 metres and 118 metres are certainly less than 500 metres. If 500 metres is to be the benchmark for the outer distance, then it is evident that permission had been granted overlooking this particular stipulation, as provided under Rule 36(1) Tamil Nadu Minor Minerals and Concession Rules 1959.

21. It is also to be noted that a house is located within a distance of 97 meters. Rule 36(1-A) of the said Rules provides that no lease shall be granted for quarrying stone within 300 metres from any inhabited site. Again, there is a residential house with family residing within the prohibited area. We cannot brush aside the fact that there is only one house. The plight of that family in that one residential house should also be considered. It is also to be noted that a Government Higher Secondary School at Vetriur is at a distance of 314 metres away from the nearest quarry boundary.



22. We are taking these measurements, as provided in the status report of the Deputy Director, Geology and Mining at Sivagangai. It is further stated that the pathway for transporting the quarry to gravel is at a distance of 200 metres away from the Government Higher Secondary School.

23. It is thus seen that the distance has narrowed down to more than about 114 meters, when the distance of the School is calculated with respect to the pathway by which the gravel is to be transported. It is also to be noted that the local pattathars had not granted permission for transportation of the gravel. The learned counsel for the 6th respondent stated that there is a separate pathway, but that is not reflected in any document produced. We are of the firm opinion particularly because of the close proximity of water body and possibility of School children straying close to the quarry, thereby being exposed to harm owing to the activities in the quarry, we would strike down the licence granted to the quarry operation.

24. With respect to the issue of *locus standi* of the Writ Petitioner, we are presented with a document which reflects that the petitioner herein, who has sworn the affidavit, had been elected as the President of the Association and the Association is also a registered Association. The name of the Association, as given in Form 26, is Annikanmoi Nedunkulam Kanmoi Aatrukaalvai Neerinai Payanpaduthuvor Sangam. Even otherwise, as the Writ Petition has been filed



in the nature of a public interest litigation, we would strike down the impugned order.

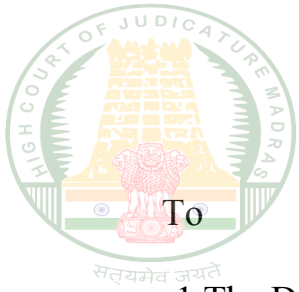
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25. We are conscious that quarrying operation has been stopped owing to orders of this Court. Let stoppage continue. The Writ Petition stands allowed. The impugned order in Na.Ka.No. 465/Kanimam/2021 dated 09.08.2024 stands set aside. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K.,J.) (R.S.V.,J.)
29-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

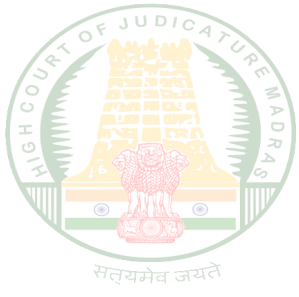
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W.P.(MD)No.24081 of 2



**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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