

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30952/2010

(From the judgement and order dated 16/06/2010 in
of The HIGH COURT OF MADRAS)

WP No. 4839/2010

R. MOHAN

Petitioner(s)

VERSUS

DISTRICT COLLECTOR, NAMAKKAL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 08/04/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. M.A. Krishna Moorthy, Adv.
Mr. Elephant G. Rajendran, Adv.
Mr. R. Neil Raghav, Adv.

For Respondent(s) Mr. N. Rajaraman, Adv.
Mr. Rakesh Taneja, Adv.

Mr. R. Nedumaran, Adv.
Mr. C. Thirupathi, Adv.
Mr. Anandhkannan, Adv.

Mr. T. Harish Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, this appeal is
allowed, the order of the High Court is set aside and the
matter is remanded to the High Court for fresh
consideration on merits in accordance with law.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3151 OF 2011
[Arising out of SLP(C) No.30952 of 2010]

R. MOHAN

.....APPELLANT

Versus

DISTRICT COLLECTOR, NAMAKKAL &
ORS.

.....RESPONDENT(S)

O R D E R

Leave granted.

2. The appellant is the owner of an agricultural land. Respondents 1 and 2 leased the adjoining land for quarrying to respondents 4 to 6. The appellant filed a writ petition seeking a direction to respondents 1 and 2 to close the quarrying operations of respondents 4 to 6 alleging that such operations were being carried on within the prohibited distance from his land; that NOC was not taken from the neighbours; that explosives were being used unauthorisedly; that pollution control board directions were violated; and that the quarrying operations were causing air and noise pollution. The High Court dismissed the writ petition on 16.6.2010 without examining the several contentions raised by the appellants, merely on the ground that he had not challenged the grant of quarrying lease. The said order is challenged in this appeal by special leave.2.

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3. If the appellant was not aggrieved by the grant of quarrying leases but was only aggrieved by the quarrying activities being carried on in violation of the rules, or on account of the quarrying activities causing nuisance to him and his neighbours, there was no need for him to challenge the grant of quarrying lease. It is sufficient for him to seek action to set right the violations. Therefore, his petition could not have been dismissed on the ground that he did not challenge the grant of quarrying lease.

4. We, therefore, allow this appeal, set aside the order of the High Court and remand the matter to the High Court for fresh consideration on merits in accordance with law. Nothing stated above shall be construed as expression of any opinion or finding on the merits of the case.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
April 08, 2011.

.....J.
(A.K. PATNAIK)