

W.P.Nos.27356 of 2019 and 28266 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM :

**THE HON'BLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.Nos.27356 of 2019 and 28266 of 2022
& W.M.P.Nos.13292, 13294, 35572, 36994 and 37000 of 2024

In W.P.No.27356 of 2019 :-

S.MURALIDHARAN

S/O.MR.P.SIVALINGAM, 2A, 3RD MAIN ROAD,
KOTTUR GARDENS, CHENNAI-600 085.

.. Petitioner

Versus

PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND CHIEF WILDLIFE WARDEN,
DEPARTMENT OF FORESTS,
GOVT. OF TAMIL NADU,
NO.1 JEENIS ROAD, PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600 015 AND 65 OTHERS

.. Respondents

In W.P.No.28266 of 2022 :-

DR.R.KARPAGAM

W/O. S. RAMALINGAM, 80/44,ANSARI STREET,
RAMNAGAR,COIMBATORE.

.. Petitioner

Versus

ASSISTANT DIRECTOR,
DEPARTMENT OF GEOLOGY AND MINING,
COIMBATORE DISTRICT,
COIMBATORE COLLECTORATE,
COIMBATORE - 641018. AND 3 OTHERS

.. Respondents

Prayer in W.P.No.27356 of 2019 :- Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 1st respondent to secure the 16 elephant corridors in the state of Tamil Nadu with the support of the other respondents.

(Prayer amended vide order, dated 16.09.2022 made in W.M.P.No.23966 of 2022 in W.P.No.27356 of 2019)

Prayer in W.P.No.28266 of 2022 :- Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing all the

respondents herein to shut down the illegal brick kilns operating in Coimbatore District.

In W.P.No.27356 of 2019:-

For Petitioner : Mr.S.Muralidharan,
Party-in-person

For Respondents : Mr.J.Ravindran, Additional Advocate General
Assisted by Dr.T.Seenivasan,
Special Government Pleader (Forest),
for RR-1, 3 to 5

: R2 deleted vide order, dated 09.01.2021
made in W.M.P.No.4685 of 2021 in
W.P.No.27356 of 2019

: Mr.V.Gunasekar, Standing Counsel for R4

: Mr.V.Chandrasekaran, Senior Panel Counsel,
for R6

: Mr.S.P.Chockalingam, for R7

: Mr.L.Jaivenkatesh, Standing Counsel for R8

: Mr.Richardson Wilson, for RR- 9 to 11, 16 to
45

W.P.Nos.27356 of 2019 and 28266 of 2022

: RR - 12 to 15 - No Appearance

: Mr.N.Muralikumaran, Senior Counsel,
for M/s.MCGAN Law Firm, for RR- 46 to 49

: Mr.L.Palanimuthu, for RR - 50 to 64

: Mr.M.Purushothaman, for RR- 65 and 66

In W.P.No.28266 of 2022:-

For Petitioner : Mr.S.P.Chockalingam

For Respondents : Mr.J.Ravindran,
Additional Advocate General,
Assisted by Dr.T.Seenivasan,
Special Government Pleader for RR - 1 and 4

: Mr.V.Gunasekar, Standing Counsel,
for RR - 2 and 3

Amici Curiae

1. Mr.C.Mohan, learned Counsel
2. Mr.T.Mohan, learned Senior Counsel
3. Mr.M.Santhanaraman, learned Counsel

COMMON ORDER

(Order made by the Hon'ble Mr.Justice D.Bharatha Chakravarthy)

Originally, when this Writ Petition in W.P.No.27356 of 2019 was filed with a prayer to identify and secure the elephant corridors in Coimbatore Forest Division, finding that the entire area, abutting the Reserve Forest, forming part of the Corridor, is being devastated and destroyed by illegal earth mining through setting up of brick kilns etc., this Court passed the following order on 10.02.2021:-

"In W.P.No.27356 of 2019, it is submitted on behalf of the Mines Department of the State that a coordinated strategy has to be worked out by the State after consultation with all the departments so that the elephant corridors can be left untouched or those corridors that have been encroached upon can be restored.

In some of the other matters, the grievances appear to be directed against brick kilns which has mushroomed all the State and the general refrain is that the local authorities have turned a Nelson's eye to the illegal operations of brick kilns. The official respondents must take immediate remedial measures to ensure that brick kilns function within the parameters set down and upon obtaining license remain confined to the areas demarcated. Burgeoning brick kilns that encroach into forest lands or elephant corridors should be proceeded against without undue delay.

These matters will now appear six weeks hence for a status report to be filed by the State through its Chief Secretary upon due coordination between the various departments."

2. As a matter of fact, even at that time, a counter-affidavit was filed by the District Collector, dated 25.12.2020 and it is essential to extract paragraph Nos.13 o 15 which read as under:-

"13. It is respectfully submitted that, approved mining plan and valid Environmental Clearance is mandatory for quarry brick earth as per rule 42 and 43 of the Tamil Nadu Minor Mineral Concession Rules 1959 as per the order passed by the Supreme Court of India in the case of Deepak Kumar (vs) the Union of India represented by Ministry of Environment, Forest and Climate Change has issued an office memorandum dated 18.05.2012 directing that all the mining projects of minor minerals including their renewal irrespective of the size of the lease hold hence forth require environment clearance. Government of India the MoEF & CC has also issued another classification by way of office memorandum dated 24.06.2013 by which it was reiterated that the activities of borrowing/excavation brick earth and ordinary earth up to area of 5 (five) hectares may be categorized as B2 category subject to the guidelines in terms of provisions of under '7.1 state (1) - Screening' Environment Impact Assessment Notification, 2006. The National Green Tribunal, New Delhi has also directed State Government and Union Territory not to allow the brick earth mining without Environmental Clearance vide S.O.141 (E) MINISTRY OF

ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION New Delhi, 15th January, 2016.

14. It is respectfully submitted that, after obtaining environmental clearance for carrying out mining operation of brick earth the project proponent has to obtain consent to establish and consent to operate from the State Pollution Control Board as required under the Air (Prevention and Control of Pollution) Act, 1981 and water (Prevention and Control of Pollution) Act, 1974.

15. It is respectfully submitted that, Rule 28 of the Tamil Nadu Minor Mineral Concession Rules, 1959, empowers the District Collector to take appropriate action to restore the land used by the project proponent for mining operation and if the lands are seriously damaged by the quarrying operation it is open to the district collector to impose enhanced rate of seiniorage fee proportionate to the damage caused to the land, subject to a maximum of five times the normal rate. In view of the facts and legal provisions, the allegation made by the petitioner has to be studied in detail and examine whether the existing brick manufactures have adhered to the norms prescribed under various Act and Rules and obtained proper License/Clearance from the competent Authority. In this regard the taluk Task Force Committee Chairman i.e., The Tahsildar has to directed to examine the allegation contained in the writ petition and submit a report to the District Collector, In the event of any violation or noncompliance the competent Authority will initiate appropriate action against the offenders in accordance with the various Acts and Rules enacted there under."

3. Even at that point of time, all actions were promised as against the brick kilns and to prevent illegal mining of earth. There is no dispute that these brick kilns, being polluting industries, are to have the consent for establishment and consent to operate. None of these brick kilns had consent to establish or consent to operate. Even though these brick kiln units were stated to be closed, they were continuously functioning and by the order dated 02.03.2023, this Court directed to disconnect all the electricity connections. In the status report filed by the Tamil Nadu Pollution Control Board before this Court on 10.01.2023, it was stated that 118 brick kilns had been operated in Coimbatore North and Coimbatore South area, for which, the connections were to be disconnected. Only after repeated orders and time being taken, the disconnections were effected and a status report was filed before this Court.

4. Even after reporting of the disconnection, it was brought to our notice that many of these brick kilns were functioning during the night hours by using

diesel gensets etc. This apart, it is also mentioned that when the disconnection was made only with reference to the machinery, the domestic connection, which was used for the office building etc., was also misused.

5. When the matter stood thus, the Miscellaneous Petitions were filed by one *Loganathan* and *Siva* in W.M.P.No.30346 of 2024 etc., whereby, they brought to the notice of this Court that a large scale illegal mining is going on in the various villages in and around Coimbatore. They noticed huge amount quarrying in Alandurai village near Kalimangalam forest area and even though it is informed to the Tahsildar and the Assistant Director of Mines, inspite of messages to their mobile phones, absolutely no action, worth the name was taken. They found illegal quarrying in Devarayapuram village, Periyanaickanpalayam village also. In Thondamuthur village, they found that the lorries were crossing Viraliyur voyal and this was also informed to the Tahsildar, Perur. Even the Assistant Director of Mines, one *Vijayaraghavan*

was also informed through his mobile number. Even the Collector was informed and when Police was informed, a message was also received by the petitioners mentioning the C.F.S number and that further action will be taken.

6. Upon information in Karadimadai village near Madukkarai Forest Division, they found that mining had taken place in about 7 acres. Similarly, pointing out large scale illegal mining, which is causing grave hardship to the movement of elephants, to the catching area of Viryalur river and the environment in general, they had filed applications for various reliefs. Repeated status reports were filed in the applications by the respondents as further action is being taken. When the applications were filed and after noticing the illegal mining of the adjoining hillocks near the Reserved Forest in the Coimbatore district and that it will have a serious impact on the environment, we passed an order on 12.09.2024 directing the District Collector to make a personal inspection in this regard along with the revenue officials

and file a report before this Court on or before 20.09.2024.

7. On 20.09.2024, when the matter came up for hearing, time was sought by placing the communication of the Assistant Director, Geology and mining that necessary action will be taken by conducting a detailed survey within a week. We found that the very letter of the Assistant Director indicated an implied consent for removal of soil illegally in the vicinity of the forest area and mere imposition of fine is an eye-wash. On that day, through the video conferencing facility, the petitioner showed that the machineries were used and the earth was being mined and looted out. Deep trenches that have been formed nearby forest area, by removing the earth, was also shown to us. In that view of the matter, we passed an order of injunction restraining everyone from in any manner removing soil from the Government or patta lands until further orders.

8. We also noticed that in this regard, even though a complaint was given by the Village Administrative Officer, First Information Report was not registered. We gave further time for the District Collector to make an inspection and file a report by the order, dated 20.09.2024. On 26.09.2024, in our order, we took note of the report of the District Environmental Engineer, dated 14.03.2024, in which, he mentioned that 14 brick kiln units were continued to operate inspite of the sealing orders. On that day, the Assistant Director of Mines appeared in Court through virtual mode. A status report was also filed by the Collector. As per the Inspection Report of the Collector, illegal quarrying was noticed in Alandurai village, Devarayapuram village, Vellimalaipattinam village and Karadimadai village. We extracted the findings of the inspection in our order, dated 26.09.2024. The paragraph No.7 of the said order is extracted hereunder:-

"7. Today, a status report is also filed, wherein it is stated as follows:

In Alanthurai Village:

(i) Quarrying pits with the maximum depth of 3.0m were noticed in vari poramboke in S.F.No.734/1A and in patta land S.F.No.734/1C, 734/2 of Alanthurai Village and the red soil has been removed to the tune of 495m³ and 2847m³ respectively;

(ii) The survey filed in 734/1C is the patta land of one K.Rangan;

(iii) An earthen road having a length of 4m had been formed across the odai poramboke located in S.F.No.734/1A for the transportation of the mineral quarried unlawfully; and

(iv) Besides, an old quarrying pit with volume of 375m³ was noticed in SF No.735/2D and the same has been registered as patta land in the name of Symbiotic Energy Plantations Pvt Ltd., in the village records.

In Devarayapuram Village

(i) The red soil has been removed to the tune of 4108m³ over an extent of 0.40.30 hectares and in abandoned pit at further depth of 1m located in patta land in S.F.No.248/1A in Devarayapuram Village, totally the maximum depth of 3.0 m and red soil to the tune of 680m³ in part of adjacent vari poramboke situated in S.F.No.263 Devarayapuram Village is also noticed;

(ii) Earlier the quarry lease was given to the subject area in the year 1993 in the name of one Nanjamooppan and Revenue Recovery Act had been invoked against the ex-lessee for the demand of the different in seigniorage fee amount vide ROC No.1420/29/1993/L6/dated 13.01.1994 and the dues of Rs.6,25,000/- was entirely collected and the subject land is presently stands in the name of one Solai; and

(iii) The odai poramboke in S.F.No.263 locally called as Viraliyar Pallam which is connecting the subject land with Vellimalaipattinam-Devarayapuram Village road is being utilized as a regular path way for the agricultural purposes by the land holder nearby Booluvapatti Forest Range and the direction of water course has not been disturbed.

In Vellimalaipattinam Village

(i) Unlawful quarrying pits were noticed in Patta S.F.No.54/2B(P), 53(P), 50/1(P) and 52(P) of Vellimalaipattinam Village. The subject lands is said to have been belonging to one Karupasamy and three others. The maximum depth of 2m was found in the part of the one pit located in SF.No.52. The red soil has been removed to the tune of 3898m³ cumulatively.

In Karadimadai village

(i) Quarrying activity has been carried out in the abandoned pit located in coordinate Lat 10.918656 Long 76.853127 of Karadimadai Village, which happened recently to the maximum depth of 5m;

(ii) The skeleton of buried elephants were noticed in the gravel quarrying pit and the same was also informed to the officials of Madhukarai Forest Range for taking necessary action; and

(iii) There are several pits that are quarried more than a period of decade were noticed in the vast area of the subject pits. Illegal quarrying activities have not been noticed within the boundary of Booluvapatti and Madhukarai Forest Unit."

9. It can be seen from the above that in the four villages together, about 12,403 cubic meters of illegal mining was reported to us by the joint inspection conducted by the Assistant Director of Mines besides one more activity in Karadimadai village. Even as on that date, on behalf of the above impleading petitioners, several pictures were shown and it was demonstrated that even after the inspection made by the District Collector, the illegal sand mining was continuing. Even after the inspection of the District Collector, it was reported that four First Information Reports were pending, but, even in the Collector inspection or before the Court, not even a single name of any person was spelt out as accused. We already found that it is not a difficult task to find out who is carrying all the activity and where the illegally mined soil was earth was gone.

10. Under the circumstances, since the respondents are showing absolute apathy towards the safety of the wild animals, the land slides, preservation of

the hillocks, water bodies and the usual nature of the terrain, we thought it fit to carry out an independent inspection by *Mr.Narayanan*, District Judge and Chairman of the Permanent Lok Adalat, Coimbatore. We directed inspection of all these areas and also the 14 illegal direct kiln units said to be operating even after the order. We directed the District Collector, Assistant Director, Mines, District Forest Officer and the Superintendent of Police to accompany him and render all the assistance in making the inspection. We also directed the sites be videographed and the statement of any willing persons and the villagers can also be recorded and a detailed report be filed before this Court.

11. Pursuant to the said order, a detailed inspection was carried out by the learned District Judge. He filed his report consisting of three volumes. Volume - I, being his inspection report, Volume - II contains statements recorded and Volume - III contains various documents collected with reference to the inspection. As per the report, it can be seen that along with the other

officials, he had visited the brick kilns as contained in the list. His inspection of the various brick kilns thoroughly exposes the fraud played not only by the brick kiln owners, but, also officials. In the majority of the brick kilns, the recent activities were found, such as availability of soil, wet bricks etc. The machineries were under covers. Several extents of land, abutting these units, were also mined. The inspection authority found that the concerned Village Administrative Officers had given complaints to the Police against these units only after the order of this Court and the details are given.

12. It is shocking that when it was reported before this Court that all these brick kiln units are sealed, the Tahsildar, Perur is said to have admitted that in respect of 9 brick kilns, they themselves locked the machineries and handed over the keys to Tahsildar, Perur. The inappropriate sealing procedure is noted. It is submitted that these locks were not even covered by cotton cloth and the seals were not affixed. While one set of keys were given to the

Tahsildar, the owners could have had the duplicate keys with them.

13. As far as the inspection of various patta and the poramboke lands that were identified by the volunteers is concerned, the learned District Judge inspected 10 sites, the details of which were given in the report. Firstly, in the Reserve Forest boundary, one Indus Engineering College illegally constructed buildings and abandoned concrete pillars with iron rods exposed, posing great danger to the movement of the animals. There are compound walls construction also, hampering the movement of Elephants and wild animals. The Government poramboke land in S.F.No.734/1A, was mined to a maximum depth of three meters and the location is just 600 meters away from the Reserve Forest boundary.

14. The mining shows that heavy machineries such as J.C.Bs are being used and the marks are very well visible. The following is the one of the

pictures of the said site:-



15. It can be seen that the complaint itself was belatedly filed by the Village Administrative Officer concerned after the inevitable knowledge that the matter was reported to this Court. Even thereafter, a case is registered

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against unknown persons that too with a delay of five weeks by the Alandurai Police Station in Crime No.150 of 2024. The other patta site in S.F.No.738 A is also inspected and huge removal of earth was noticed. The land owner is said to have made a statement before the authority that without his knowledge, huge earth was quarried.

16. In Kottaikadu village, in vary poramboke, which is a water body in S.F.No.766/1 of Ikkarai Boluvampatti village, a vast extent of illegal mining is noticed. The following images would definitely shock conscience of any person :-





17. It is reported by the Boluvampatti Village Administrative Officer that he also lodged a complaint only on 01.10.2024 and C.S.R.No.261 of 2024 was issued as on the date of inspection. When S.No.54/2 of Vellimalaipattinam was inspected, removal of red soil in multiple stages to the depth of 4.5 meters, was noticed. This removal is very near to the Reserve Forest boundary. The removal of earth is huge and vast and to a great depth of 4.5 meters. The following pictures show the vastness of the area and the depth of 4.5 meters of earth quarried:-



18. There also, the Village Administrative Officer lodged a complaint only on 22.09.2024 and a case in Crime No.153 of 2024 is registered by the

Alandurai Police Station. Four accused namely, *Sudhakaran*, *Karuppasamy*, *Thinagaran* and *Boopathy* were arrested and one tipper lorry, bearing registration No.TN 38 DB 1386, is said to have been seized. In the First Information Report, S.F.No.54/2B was not even mentioned and only three other survey numbers were mentioned. Similarly, with reference to S.F.No.225, again a case was registered only on 27.09.2024 in Crime No.156 of 2024. One accused namely, *Chandramoorthy*, was arrested and one J.C.B machine in registration No.TN 99 T 3179, was seized.

19. In Devarayapuram, quarrying is done and a trench like way is created by widening the water stream and meddling with the same so that lorries can pass through. In a patta land in S.F.No.248/1A, the quarrying was done. There also, a complaint was given on 22.09.2024 and a case in Crime No.210 of 2024 was registered in the Thondamuthur Police Station. Removal of huge earth from the land belonging to one *Kuttiammal* was noticed to a depth of about 4

feet and even the electric polls are dangerously standing and the following picture would demonstrate the manner and extent of quarrying:-



20. In Karadimadai, the inspecting authority found the trenches which are made by the Forest Department to prevent man-animal conflict being obliterated and mud roads are formed for legal transport of the earth. On an inspection of the patta lands of one *Sadavisam* in S.F.No.393/4A and 393/4B, the inspecting authority was shocked to see a wide range of red sand and gravel rampantly removed in a continuous extent just 500 meters away from the Reserve Forest boundary. The whole place looks larger than a football ground.

The manner, in which the quarrying is made and the extent can be known from the following pictures :-



21. The danger of land slide and the hillocks disappearing can be gauged from the following picture :-



22. The J.C.B's scratch marks clearly show the manner, in which, the quarrying was done. The quarrying was done to a depth of about 16 feet, which can be clear from the following picture :-



Here also, the Village Administrative Officer lodged a complaint on 23.09.2024 and a case was registered in Crime No.267 of 2024 at Perur Police

Station.

23. As a matter of fact, when the Collector earlier inspected the spot, a carcass of an elephant was also found being excavated on account of the huge amount of quarrying and the following picture demonstrates the same:-



24. The activities of the Forest Department and the nature confirmed that this is an area of intense elephant movement. The impression of the inspecting authority of the area is that the extent of the earth removed is very wide and beyond imagination. The mining activity was done approximately in 600 acres. The District Collector reported that a drone survey could be conducted and a contour survey would also be undertaken.

25. The inspecting authority was pained to see that what was done in the area is nothing but a man-made disaster of natural resources over a continuous period. He observes that the miscreants did this act without any iota of guilt as if they are not part of this society. The entire activity was carried just 500 meters away from the Reserve Forest and it would be a tough task for any wild animal to pass through these pits and trenches without getting injured. Otherwise, they would be compelled to change their regular habitat for their transition which would lead to man-animal conflict. Thereafter, the inspecting

authority inspected S.F.No.1039/1 in Thekkalur, Veerapandi Revenue Village at Anaikatti.

26. Two groups of villagers were also accusing each other and they were showing allegation as against land owner of removing huge earth even taking away the pathway. The S.F.No.1039/1 in Thekkalur village is a hillock covered by bushes and trees with a green cover, however, now, shaved off its greenery and is almost levelled changing the very nature of terrain itself. The following picture of the Inspection Report would demonstrate the nature of quarrying:-



27. Field map also shows water streams running through these fields.

The vast extent of clearance of earth can be gauged from the following picture:-



28. The water streams were also noticed and erection of electric fences hampering the movement of the wildlife was also noticed. In several places, erosion of soil, on account of this quarrying, was also noticed. The S.F.No.1016/1, Aniakatti was also inspected. The manner in which huge

excavation has taken place abetting the hilly areas can be seen from the following picture:-



29. The Reserve Forest is located just 500 meters away from the boundary of this land. The inspecting authority inspected S.F.Nos.815 and 816. These lands were originally classified as hill in the revenue records, however, individual names have also entered as if they are their patta land. The hills disappeared and everything seems to be levelled. The manner, in which, these lands are being levelled and the original terrain altered can be known from the following pictures:-



30. The illegal miners have become a Government on to themselves and even formed road by using stones and gravel and the following picture would reveal the same:-



31. Not stopping with that, they are obliterating a live stream and are also constructing a bridge across the same. The following picture would demonstrate the same :-



32. They have stacked cement pipes to be laid in the bridge and two J.C.B machines, without even any registration numbers, were found stranded in the nearby bushes. It is found that in the Reserve Forest near Narasaipuram and Devarayapuram, there is a place called Vettaikaran Koil malai in which pre-historic period stone paintings were traced by the Archaeological Department and the Archaeological Officer, Coimbatore appraised that he cannot rule out the possibilities of the landslide even affecting the archaeological site on account of the rampant sand mining in the foot hills of the Reserve Forest.

33. On an overall observation, the inspecting authority found that the entire place of Anaikatti is a hilly terrain and is an eco-sensitive area as per the Western Ghats Draft Notification, 2018. Anaikatti is also an Elephant Corridor as well as the Elephant Habitat in the Nilgiri Biosphere Reserve of the States of Tamil Nadu and Kerala. The Anaikatti North and South Elephant Corridors

connects the North and South Reserve Forest in the Coimbatore Forest Division and elephants from Sathiamangalam Tiger Reserve use this corridor to travel to the Mannarkad Forest Division in Kerala. The Anaikatti area is home to elephants and Nilgiri Biosphere Reserve is a home to the world's largest population of Asian Elephants.

34. Normally, the herd of elephants with their calves would avoid the steep portions of the forest and when they choose to traverse the fringes of the plains, these new trenches, which are formed and huge excavation, would lead to the elephants further straying into the villages and the human inhabitation, thereby, resulting in a man-animal conflict. As a matter of fact, on the very next day of inspection, one villager, *Chandran*, was trampled by an elephant in Narasaipuram village. The Forest Ranger categorically stated that it is very much possible that elephant took a diversion due to the pits caused on account of sand mining and entered the village. The overall impression of the

inspecting authority is that the sand mining leads to disfiguration of forests or the mining area, are noticed just 500 meters within the vicinity of the Reserve Forest boundary rampant sand mining is being carried on in this area. Government poramboke lands are also not spared. Officially, the inspecting authority identifies 11 brick kilns having loads of soil and wet and burnt bricks which establishes the activities are being carried out at the brick chambers.

35. Many of them could not produce any documents for the possession of such minerals. Only TKT chambers produced proof from the Kerala State Mineral Corporation. All these brick kilns were located in Perur taluk, where the sand mining was taking place in a rampant manner. The authority also concludes that not only the red soil, but, gravel earth is also removed and therefore, apart from the brick kilns, the volume of the illegally removed sand should also be traced out. As the entire illegal earth quarrying is so huge that it is not possible for the brick kilns alone to consume the entire earth. It is found

that it would not be a tough task for the Investigating Agency to find out the ultimate destination of the sand through their investigation and it is found that the same is lacking and the investigation should be monitored by the High Court. The inspecting authority also proposes constant and coordinated monitoring activities vigilantly by the Revenue, Forest, Mines, Minerals and Police Departments. The inspecting authority also suggested that a Standing Committee for periodical monitoring of these activities to be set up. The inspecting authority also suggested that this Bench itself can directly visit these areas to gauge the huge impact of these illegal mining. As many as 57 documents collected are enclosed in support of the report.

36. On the above report, when time was granted, while no significant development took place on monitoring, inspection, vigilance or restoration, the only significant incident is that one of the petitioners, who brought all these to the notice of this Court, was brutally attacked by miscreants and we ordered

proper treatment and a case is also registered with reference to the same. We directed the Superintendent of Police as well as the Commissioner of Geology and Mining to be present in the Court for the hearing. When they were present, the learned Additional Advocate General took time for filing a detailed status report. It is also pertinent to mention here that the Forest Department has been crying with the Revenue, Mining and the other Departments continuously about the devastation of the terrain and the danger it would pose to the very existence of the forest and the wild animals.

37. The Forest Department has been sending communications periodically bringing to the notice of the appropriate authorities. When they were present in the Court, the seriousness was very much mentioned to them and further time was granted for filing status report. We also passed a detailed order on 27.11.2024 and directed that the status report shall be filed by the Government and all the authorities answering the detailed quarries which are

made by this Court. It is essential to extract paragraph No.6 which contained the said queries for ready reference:-

" 6. To top it all, one of the activists who accompanied the inspection was thrashed by some miscreants, was seriously injured and is now being treated in the hospital. It is the contention of the learned counsel appearing on behalf of the 66th respondent – activist that it was a planned action whereby the activist was informed to come to a particular place on the guise that some illegal activities are going on and that the police would also reach the said place immediately. When the activist reached there, he was thrashed by the miscreants. However, there was no sign of the police until he was seriously injured and was thrashed completely. He would submit that to top it all, a counter case was also registered against the activist. Therefore, though we are inclined to accept the prayer of the learned Special Government Pleader to file a comprehensive response, let the response be very clear and categoric as to :

(i) why when such huge mining to an extent of several acres in several places causing disappearance of many hills were taking place, absolutely no inspection at all was made by the Assistant Director of Mines and his Department;

(ii) Why inspite of the inspection by the District Judge along with the District Collector and a report has also been placed before this Court, till today, the police is able to identify even a single accused involved in the mining;

(iii) Whether any case has been registered with respect to each and every site of illegal quarry which is

now pointed out in the report;

(iv) Whether the quantum of earth which has been illegally removed has now been calculated by the Mining Department, so that upon identification of the accused, the fine amount can be imposed;

(v) What are the other mitigating measures taken/proposed to be taken to restore this part of the earth which is thoroughly devastated and destroyed and what are the further action will be undertaken;

(vi) What are the mitigating measures, the Government is proposing to take, firstly, to prevent quarrying and secondly, to immediately get notified about any illegal quarrying and to stop the culprits at the threshold itself;

(vii) When the learned District Judge has instructed that with his manpower and efforts he could only get the tip of the ice- berg and now, what are the other measures which are taken now to inspect other areas, to get to the bottom of the ice- berg especially to quantify how much illegal quarrying has taken place and collect the entire data as to how many acres of private / Government / forest lands illegal quarrying has taken place;

(viii) With respect of each and every tract of land which has now become a deep mines and trenches, how the elephants and wild animals will move in their corridor /habitat;

(ix) Whether these illegal mining activities have been notified to the Assistant Director of Geology and Mines by the Forest Department and if so, what action has been taken so far;

(x) If any officials are also found to be erring, what action is proposed to be taken against them."

38. A Status report, dated 11.12.2024 is filed by the Commissioner of Geology and Mining. Paragraph No.3 of the status report reads as follows :-

"3. It is submitted that there has been a continuous surveillance and monitoring on unlawful removal of minerals from patta and government lands in the villages in Perur Taluk. As a result of which, there are 27 illegal quarrying of gravel/earth including 9 locations in which recent illegal quarrying activity carried out were detected in Coimbatore South Revenue Division and penalty has been imposed for 19 cases to the tune of Rs.8.99 crores and the remaining 8 cases are under the examination of the Revenue Divisional Officer, Coimbatore South."

39. However, subject to further verification, now, after the report of the learned District Judge, the following tabular column is given in paragraph No.11, which is extracted hereunder:-

Sl.No.	Name of the village	S.F.No	Details of FIR	Name of the Offender	Quantity excavated (cbm)
1	Alandurai	730/1A	CSR	Government land	2340
		730/2A	No.294/2024	A.Chinnakaruppan	2576
2	Ikkarai Bolvampatti	766/1	F.I.R.No.163	Government land	5426
		766/3	/2024	K.Muruganathan	877

3	Vellimalaipattinam	225	F.I.R.No.156/2024	V.M.Chandramoorthi	5898
4	Devarayapuram	249/3A, 4A, 250/1A	F.I.R.No.210/2024	V.N.Solai, Nanjamoopan	13389
5	Madampatti, Thenkarai	393/1B and other 137 survey fields	F.I.R.No.267/2024	Mayan and others etc.	478252
6	Thondamuthur	36/1	F.I.R.No.215/2024	R.Subramaniam	27799
Total					536557

Thus, the tabular column in paragraph No.11 falsifies the averment made in paragraph No.3 that there has been any kind of surveillance.

40. Even now, by a *prima facie* conservative estimate, it can be seen that 5,33,557 cubic meter of earth has been illegally mined and removed. The action which was taken and is mentioned in paragraph No.3 was not even a fraction of the same. Besides, even after the Court took up the matter and

directed the Collector to inspect what was reported to us, which is extracted *supra*, in respect of all the four villages is only 12,403 cubic meter and another one extent, which is not even a fraction of 5,33,557 cubic meters. Therefore, the officials not only abdicated their duty of surveillance and monitoring, but, were only indulging in suppression of facts to this Court. Thus, it can be seen that right from the Village Administrative Officer to the Tahsildar, Perur Taluk to the Assistant Director of Mines who have been working for the past four years in these areas, have absolutely not cared to carry out the functions expected of them. The only thing which remains to be unearthed is that the extent, to which they are hand in glove with these elements. The manner in which the entire removal has taken place seems to be a concerted effort.

41. As a matter of fact, a drone survey is proposed and only upon drone survey, we will come to know how many cubic meters of the earth is illegally quarried and removed. Thus, we conclude that the various task force etc.,

which is boasted by the authorities have not done their duty in the matter of surveillance and monitoring . It would also be possible that they are part of the conspiracy by receiving bribes from the illegal miners and permitting them to excavate the earth.

42. The second important aspect is the investigation. Even the learned Additional Advocate General would agree that this kind of acts, done by the heartless souls, should be thoroughly investigated and they should be brought to books. In the status report, which is filed by the Superintendent of Police, list of cases is furnished in paragraph No.6. The same is extracted hereunder for ready reference:-

"The following cases were registered under section 303(2) BNS and section 21(1) of MMDR Act:-

i). **Thondamuthur PS, Cr.No.212/24** - This case has been registered on 26.09.2024 against the TATA BRICKS. **All the three accused were arrested and remanded to judicial custody on 27.09.2024.**

ii). **Thondamuthur PS, Cr.No.213/24** - This case has been registered on 26.09.2024 against the SPB BRICKS.

Both the accused were arrested and remanded to judicial custody on 27.09.2024.

iii). **Thondamuthur PS, Cr.No.214/24** - This case has been registered on 26.09.2024 against the SVT BRICKS. **The accused was granted anticipatory bail by this Honourable court on 22.10.2024 in CrI.O.P.no.26122/2024.**

iv). **Thondamuthur PS, Cr.No.215/24** - This case has been registered on 26.09.2024 against the KRS BRICKS. **The 1st accused Subramani was arrested and remanded to judicial custody on 27.09.2024. The remaining two accused were granted anticipatory bail by this Hon'ble Court on 30.10.2024 in CrI.O.P.No.27332/2024 and 35(3) BNSS summon served to the 4th Accused Subramaniam aged about 70 years.**

v). **Thondamuthur PS, Cr.No.273/24** - This case has been registered on 02.12.2024 against the TVM BRICKS. **The accused are yet to be arrested.**

vi). **Thondamuthur PS, Cr.No.210/2024** - This case has been registered on 22.09.2024 against one Solai who is the owner of the land for illegal mining of sand from his land. **The accused was granted anticipatory bail by this Honourable court in CrI.O.P.No.25531/2024 dated 21.10.2024.**

vii). **Thondamuthur PS, Cr.No.144/24** - This case has been registered on 29.06.2024 against one Maruthachalam and Kousalya and the driver Loganathan. **All the accused were granted anticipatory bail by the Learned Principal District and Sessions Judge of Coimbatore in C.M.P.No.23839/2024.**

viii). **Thondamuthur PS, Cr.No.72/24** - This case has been registered on 04.03.2024 against one Duraisamy and one Senthilkumar. **Both the accused were granted**

anticipatory bail by this Honourable court in Crl.O.P.No.13796/2024 and Crl.O.P.No.13603/2024 respectively on 15.03.2024.

ix). **Perur PS, Cr.No.356/24** - This case has been registered on 03.11.2024 against the SVS BRICKS. **The accused are yet to be arrested.**

x). **Perur PS, Cr.No.357/24** - This case has been registered on 03.11.2024 against the SPS BRICKS. **The accused are yet to be arrested.**

xi). **Perur PS, Cr.No.358/24** - This case has been registered on 03.11.2024 against the KSR BRICKS. **The accused is yet to be arrested.**

xii). **Perur PS, Cr.No.359/24** - This case has been registered on 03.11.2024 against the TKT BRICKS. **The accused is yet to be arrested.**

xiii). **Perur PS, Cr.No.360/24** - This case has been registered on 03.11.2024 against the Vishnu Chamber Bricks. **The accused is yet to be arrested.**

xiv). **Perur PS, Cr.No.267/2024** - This case has been registered on 23.09.2024 against one Sadhasivam and 8 others who are the owner of the land for illegal mining of sand from their lands. **The 8th and 9th accused were granted anticipatory bail and the other accused are yet to be arrested.**

xv). **Alanduai PS, Cr.No.15/2024** - This case has been registered on 18.09.2024 against one Ravi, Palraj, Nagaraj, Harikumar and Senthil. **Three accused were arrested and remanded to judicial custody two accused were granted anticipatory bail.**

xvi). **Alanduai PS, Cr.No.153/2024** - This case has been registered on 22.09.2024 against five accused. **Three accused were arrested and remanded to judicial custody and two accused have been granted anticipatory bail.**

xvii). **Alanduai PS, Cr.No.156/2024** - This case has been registered on 27.09.2024 against one Chandramurthy and Karthik. **The accused were arrested and remanded to judicial custody.**

xviii). **Alanduai PS, Cr.No.163/2024** - This case has been registered on 07.10.2024 against unidentified accused with regard to illegal mining of sand from S.F.No.766/1, Ikkaraipoluvampatti village. **The accused is yet to be identified."**

43. It can be seen that except for Crime No.72 of 2024 and 144 of 2024 on the file of the Thondamuthur Police Station, all the other cases are registered only after the directions of this Court in the month of September and November, 2024. The Police have shown a hogwash of arresting a few individuals. It is common knowledge in the State of Tamil Nadu that the Police authorities register F.I.Rs and arrest persons for having three gunny bags of red soil. Whenever a unit of sand is stored in front of any house, immediately the Village Administrative Officer, the concerned Councillor and the officials of the Panchayat will visit. Not a small quantity of sand or soil can be transported or stored or escape from the eagle eyes of these persons.

44. It can be seen that about a minimum of two lakh units of earth has been removed and is transported which can be made only by thousands and thousands of trips by lorries. Many of these lands are also patta lands and even a small child will say that from the owner of the land, it will take no minute for the Police to unearth as to who quarried and for what purpose. Even the inspecting authority states that an hour of independent investigation would unearth where these huge quantity of earth was taken and where these hills and hillocks, that were disappeared are now lying.

45. The Perur taluk of Coimbatore is also very well developed and sophisticated area, whereunder, CCTV images can be found all along the road. Till date, even after the Superintendent of Police was present in Court through virtual mode under several hearings, there is no answer by the Police as to where even single unit of soil had gone. Till today, not even in one case, the

Police is able to tell us that the earth is mined by so and so, is supplied in a particular place for the particular purpose. Therefore, absolutely, no investigation whatsoever has been done so far. The investigation, upto the stage, whatever has been shown, is nothing but an eye wash. The higher officials are keeping tight lipped while the field level investigation officers have shown complete apathy. There is grave suspicion about the involvement of these Station House Officers as also the higher officials in the entire episode.

46. In spite of the repeated observations by this Court, no investigation whatsoever is being carried out to find out about the orchestrated rampaging of earth in these areas which can be possible only by organised crime. They laid roads and are making bridges. Huge number of vehicles and J.C.Bs are required to remove this much units of earth and it is not very difficult to find out these vehicles and from them, who are actually behind this episode. In our considered view, the cases should not be closed by merely arraying these

drivers and cleaners or one or two owners of the lorries, as accused. The persons who are involved in the trade namely, who advanced money, engaged persons to quarry the earth and the suppliers and to whom this earth and the gravel were supplied and the receivers of the stolen property have all to be investigated and brought to books. The trade seems to be running for several crores of rupees and is of huge extent. Therefore, it is necessary to transfer the investigation of all the above pending cases to the following Special Investigation team, that is constituted by us.

(i) Tmt.G.Nagajothi, I.P.S., Superintendent of Police, State Crime Records Bureau, Chennai;

(ii) Thiru.G.Shashank Sai, I.P.S., Superintendent of Police, Organised Crime Intelligence Unit, Chennai.

The above officers shall be entitled to choose their subordinate official team and the Director General of Police is directed to permit a team of

Inspectors of Police, Sub-Inspectors of Police and subordinate police personnel as desired by the above officers.

47. The Special Investigation Team, besides taking up individual investigation of all the above cases, is also empowered to register any fresh case with reference to any extent of quarrying which may be subsequently unearthed by drone survey or by any other information even during their investigation. It would also be open for the Special Investigation Team to register separate cases as to the involvement of known/unknown officials and mafia, in general, which is connected to the devastation of the environment and to investigate the angle of the larger conspiracy behind the whole episode and find out whether there is any organised crime and bring to the books of those persons, the big fish behind these operations. The investigation has to be conducted till the end to unearth the end receiver of these soil as well as the gravel whether that would be brick kilns or builders who use this earth for

levelling for building resorts, colleges or other institutions etc., none should be spared.

48. Periodical status reports should be filed with reference to the progress of investigation and the investigation will be monitored by this Court. Apart from the investigation, we direct the Vigilance Department, Coimbatore to conduct a discrete enquiry with reference to the assets of the each and every revenue official, be the Village Administrative Officer, the Revenue Inspector, the Tahsildar, the Deputy Tahsildars of these villages and taluk, who worked in these stations for the past four years and also the Station House Officers namely, Inspectors of the concerned Police Stations and the Sub-Inspectors and file a report. We direct the Chief Secretary to the Government, to consider the entire issue and wherever any delinquencies are made out against the higher officials also, recommend appropriate action if necessary.

49. As far as monitoring is concerned, it is brought to our notice that the Mining Surveillance System was launched by the Ministry of Environment, Forest and Climate Change, Government of India as early as in the year 2016. It is stated that it is a satellite based Monitoring System which aims to facilitate the State Governments in curbing the instances of illegal mining for major minerals. The State Governments are already given User IDs and Passwords. In this, though it relates major minerals, it is stated that any unusual land change, observed on satellite imagery, in a zone of upto 500 meters outside the boundary of mining lease area, is captured and flagged to the State Government to check for illegal mining. When Satellite Based Image Monitoring System is available, the same can be utilised for the purpose of the surveillance of this area also. Though the mineral is a minor mineral, the feasibility of developing a system by way of remote sensing, has to be developed and we direct the Department of Information Technology and Digital Services of the Government of Tamilnadu in collaboration with the Institute of Remote Sensing, Anna

University and such other expert as may be needed to come up with a technological solution for monitoring, whereby, any activity of quarrying earth will be immediately notified and alerts will be made automatically to the Revenue, Forest, Mining and the other departments as may be specified. A comprehensive system with integrity and reliability shall be developed and put in place within a period of six months. We are not detailing about the appropriate technologies that may be used, be it remote sensing or artificial intelligence systems, usage of satellite enabled technologies. It is not out of place to mention that even before us in the hearing, the Forest Department is able to establish about the conversion of the forest area through Google earth images. It is stated that the application such as the Google Maps app can also be used for monitoring and surveillance of these activities. A detail report should be placed in this regard and after ascertaining the feasibility, an appropriate system shall be put in place not later than six months from the date of this order. Periodical status reports about the steps being taken shall also be

filed before this Court.

50. Appropriate A.I enabled surveillance cameras to be set up in the required places of the village roads and the highways which will capture the images of the Tipper Lorries carrying any mineral and transporting the same and a control room to be set up to monitor the movement of these lorries then and there and a staff to be engaged to alert the task force and the other authorities in this regard.

51. A mobile application and an internet portal with toll free telephone number/mobile number shall be made ready and arranged and publicised for any public to upload the image and to lodge a complaint upon which absolute secrecy shall be maintained in respect of the complainant, while immediate action be taken on the illegal earth mining.

52. While the Collector has set up a task force of the Deputy Tahsildar, Sub-Inspector of Police, Revenue Inspector, Forest Ranger and the Village Administrative Officer with reference to each and every revenue village, two other volunteers shall also be included in the Special Team to monitor and keep a check about the illegal mining. It is made clear that this task force, containing of these officials will be held directly responsible for the illegal sand mining and if any further mining, in this area, is brought to the notice of this Court and the same is not found by them, immediately, this Court will consider placing the entire team on suspension and appropriate action will be taken.

53. If any information is furnished by the Forest Rangers about any activity, the same immediately calls for the attention of the Tahsildar, the Collector and also the Assistant Director of Mining and an action taken report should be submitted to this Court as well as to the District Forest Officer. The District Forest Officer is also required to increase the vigil to the Forest

Rangers and any activity, even outside the forest area with reference to the mining or altering the nature of the terrain by illegal activities, should be brought to the notice of the Tahsildar, the Collector and the Assistant Director of Mining, who shall immediately act upon the said complaint.

54. As undertaken, in paragraph No.15 of the status report, the present area shall also be included for the ongoing study of environmental compensation and remediation. As undertaken, a drone survey shall be conducted and accurate estimate of all the places of illegal mining shall be unearthed and cases be registered and a total extent of illegal mining be brought on record before this Court periodically. The information shall be given to the Special Investigation Team, which will register the Additional First Information Reports, as and when necessary and investigate into the same. After the survey of damages is over, the sites to be videographed and the

trenches likes the ones below have to be closed enabling the animals/elephants to pass through:-



55. The Commissioner of Geology and Mining and the District Collector shall conduct a detailed preliminary enquiry to find out the various omissions and commissions committed by the Revenue and the Mining officials of the

jurisdiction and fix responsibility for the devastation happened for the past several years and accordingly, disciplinary action shall be taken as against each and every official.

56. The Deputy Inspector General of Police, Coimbatore Range shall also conduct an enquiry with reference to the Police officials as to their lapses, omissions and commissions and take disciplinary action against each and every official, against whom the delinquencies are made out.

57. The District Collector shall also take a call and either suspend the Tahsildar, Revenue Inspector and the Village Administrative Officers of this area *prima facie* if there is complicity in the illegal sand mining and in any event, shift them outside the villages and taluk, so as to ensure a free and fair investigation in the area. If necessary, they can also be transferred outside to the neighbouring districts also.

58. The illegal bridges that are built and the illegal roads which are laid shall be forthwith obliterated. The water bodies to be restored to its original position. The various trenches and pits shall be appropriately levelled so as to enable the elephants and wild animals to manoeuvre and cross.

59. The electricity polls shall be strengthened and be safeguarded before any further mishap happens. The Executive Engineer of the TANGEDCO shall also make appropriate visit to all the areas where the electric polls are dangerously standing and make an enquiry as to why local inspection is not made by the Junior Engineers and the other officials in the division and why they did not bring to the notice of the appropriate authority about the illegal mining and the polls standing dangerously. Action shall also be taken against the said officials if there is any complicity.

60. Expert advise from TERI, New Delhi shall also be obtained in respect of this area also for mitigation measures.

61. Immediate steps to be taken with reference to the levy of the appropriate fine not by adopting a lenient approach, but, by adopting the appropriate control method to assess the quantum of loss and damage etc., and the Mining Department shall proceed further in a swift manner to make its own enquiries and conclusions, of course, in tandem with the Investigating Agency and the other authorities in fixing responsibilities and collecting the fine amounts. The fine amounts, so collected, shall be kept in a separate account, which shall be used for restoration of the area by way of carrying out mitigating measures etc.

62. For filing status report by the respective authorities, call on 27.02.2025.

(N.S.K., J.) (D.B.C., J.)
10.01.2025

To

1. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
AND CHIEF WILDLIFE WARDEN,
DEPARTMENT OF FORESTS,
GOVT. OF TAMIL NADU,
NO.1 JEENIS ROAD, PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600 015.
2. THE ASSISTANT DIRECTOR,
DEPARTMENT OF GEOLOGY AND MINING,
COIMBATORE DISTRICT,
COIMBATORE COLLECTORATE,
COIMBATORE – 641018.
3. THE DIRECTOR GENERAL OF POLICE, CHENNAI.
4. TMT.G.NAGAJOTHI, I.P.S., SUPERINTENDENT OF POLICE,
STATE CRIME RECORDS BUREAU, CHENNAI.
5. THIRU.G.SHASHANK SAI, I.P.S., SUPERINTENDENT OF POLICE,
ORGANISED CRIME INTELLIGENCE UNIT, CHENNAI.
6. THE PUBLIC PROSECUTOR, HIGH COURT OF MADRAS.

W.P.Nos.27356 of 2019 and 28266 of 2022

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.Nos.27356 of 2019 and 28266 of 2022
& W.M.P.Nos.13292, 13294, 35572, 36994 and 37000 of 2024

10.01.2025