

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.9606, 9726, 9738, 9741, 9745, 9748,
9766, 9768, 9774, 9776, 9780, 9781, 9785, 9786, 9790,
9791, 9794, 9800, 9805, 9829, 9837, 9841, 9847, 9851, 9857,
9862, 9867, 9875, 9880, 9960, 9963, 9965, 9973 to 9976,
9978, 9980, 9994, 10003, 10084, 10133, 10139, 10141, 10144,
10148, 10256, 10320, 10327, 10330, 10332, 10383,
10571, 10599, 10698, 10702, 10716, 10723, 10743, 10764,
10766, 10788, 10796, 10799, 10851, 10927, 10940, 10942,
10964, 10969, 10981, 11018, 11023, 11058, 11089, 11090, 11158,
11232, 11245, 11247, 11249, 11253, 11255, 11262, 11266, 11286,
11311, 11323, 11332, 11334, 11341, 11346, 11352, 11355, 11357,
11359, 11365, 11368, 11373, 11375, 11381, 11383, 11391, 11395,
11405, 11406, 11408, 11411, 11412, 11417, 11424, 11426
and 11443 of 2021
and W.M.P.Nos.11653 and 11786 of 2021
and connected WMP Numbers

W.P.No.9606 of 2021

K.Sundarraaj

.. Petitioner

Vs.

1. The District Collector-Coimbatore,
Office of the District Collector,
Coimbatore.
2. The Thasildar,
Coimbatore North,
Coimbatore.
3. The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
Coimbatore North,
Coimbatore.

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4. The Assistant Director (In-charge),
Geology and Mining,
Coimbatore.

.. Respondents

* * *

Prayer in W.P.No.9606/2021 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned Notice of the respondents dated 19.03.2021 and quash the same.

* * *

For Petitioners

:

Mr.P.Wilson, Senior Counsel
for Mr.Richardson Wilson

Mr.S.R.Singaravelan, Senior Counsel
for M/s.V.Jayachandran

Mr.V.Raghavachari
for M/s.V.S.Senthil Kumar

Mr.P.Rajendran

Mr.A.E.Ravi Chandran

Mr.V.Jayachandran

Mr.M.Sriram

Mr.B.Kumarasamy

Mr.Jothis Muppudathi

For Respondents in
all these WPs

:

Mr.Narmadha Sampath,
Additional Advocate General
assisted by Mr.Akhil Akbar Ali
Government Advocate

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COMMON ORDER

"Nature's great masterpiece, an elephant - the only harmless great thing" - John Donne.

"Elephants love reunions. They recognize one another after years and years of separation and greet each other with wild, boisterous joy. There is bellowing and trumpeting, ear flapping and rubbing. Trunks entwine." - Jennifer Richard Jacobson.

2. Whether the notices of the authorities seeking to suspend the brick-kiln operations of the petitioners in the so called path of the wild tuskers are sustainable in the eye of law is the question raised in these writ petitions and as such, these writ petitions are taken up together for hearing and disposed of by this common order, with the consent of the learned counsels on either side.

3. The impugned notices in these writ petitions are alleged to have been issued as an outcome of the interim directions issued by the First Bench of this Court in W.P.No.27356 and 28475 of 2019 on 10.02.2021.

3.1. The prayer made in W.P.No.27356 of 2019 - a *pro bono publico* was to direct the Principal Chief Conservator of Forests and Chief Wildlife Warden of the Forest Department, Government of Tamil Nadu, to

identify and secure the elephant corridors in the Coimbatore Forest Division with the support of the other respondents therein with an interim relief of directing the Chairman, Tamil Nadu Pollution Control Board (in short, "TNPCB") and the Commissioner of Geology and Mining (in short, "the Commissioner" for the sake of brevity) to close all the illegal brick kilns operating in Tadagam Valley of Coimbatore.

3.2. A similar petition in W.P.No.28475 of 2019 was filed by another petitioner seeking a direction to the respondents therein to take immediate action to close down the illegal brick kilns being operated in some of the villages, viz., Chinna Thadagam, Nanjundapuram, Veerapandi, Somayampalayam and Pannimadai, of Coimbatore District, within the time-frame to be laid by this Court. The interim reliefs sought for therein are (i) to direct the TANGEDCO officials to forthwith disconnect power supply to the illegal brick kilns in all the said villages ; and (ii) to constitute a committee consisting of experts from the fields of geology and mining, water resources, health, ecology and environment and agriculture so as to assess the damages done to the ecology and general public by those brick kilns being operated in the afore-mentioned villages.

3.3. The order of the First Bench dated 10.02.2021, which was relied upon by the concerned Revenue Tahsildar in the impugned orders, reads as follows :

"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.

2. In some of the other matters, the grievances appear to be directed against brick kilns which have mushroomed all over 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.

3. 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.

List on 31.3.2021."

3.4. A relevant portion of the order passed by the First Bench, when the said writ petitions were taken up for hearing on 31.03.2021, reads infra :

"4. The State has submitted that a number of brick kilns have been closed because such units could not show any permission obtained from the District Collector that is mandatory.

5. The owners of several brick kilns are parties to these proceedings. Others, who are not parties to these proceedings, seek to be impleaded. Such owners suggest that the measures taken by the State to close down some of the brick kilns are in colourable exercise of authority and without following the

procedure established by law. To the extent that the relevant brick kiln owners have any grievance against the State for the manner adopted in closing down the units, such owners and manufacturers will be entitled to approach the appropriate forum in accordance with law."

3.5. As indicated hereinabove, the petitioners alleged that the action of the authorities, under the guise of implementing the directions of the First Bench, in passing the impugned orders is a colourable exercise of power without any authority.

4. In the counter-affidavit, the prayer of the petitioners has been resisted by the authorities, *inter alia*, contending that the impugned orders have been passed as per the directions issued by the First Bench of this Court in accordance with law. Since the impugned orders have been signed by the Members of the Fact Finding Committee and not the Tahsildar alone, as has been projected by the petitioners, it is in tune with the provisions and there is no violation in passing the impugned orders.

5. Heard both sides and perused the materials available on record.

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6. The harmonious submission of the learned Senior Counsels and the learned counsels for the petitioners is that the Revenue Tahsildar, who passed the impugned order, is not vested with the power to pass such orders and it is the District Collector, who alone is competent to pass any such order, after following the mandatory procedures contemplated under the Mines and Minerals (Development and Regulation) Act, 1957 (in short, "the 1957 Act") and the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short, "the TNMMC Rules"). All the learned Senior Counsels and the Counsels uniformly submitted that the principle governing the natural justice theory has been thrown in the air, while passing the impugned orders and thereby they are liable to be quashed. The act of the officials is a colourable exercise, which was not in tune with the directions of the Hon'ble First Bench of this Court, as the Tahsildars misconstrued the tenor of the interim order and mechanically passed the impugned orders. According to the learned counsels, all the petitioners have got valid licenses and they have been annually paying the license fees for renewal of the same in terms of the 1957 Act and the TNMMC Rules and some of the petitioners have also been paying annual seigniorage fee, but the officials failed to renew the license. It is added further that the petitioners have been doing the manufacturing activities in their patta lands or the leased-out lands with the consent of the owners and the petitioners have all along been permitted to undertake

the brick manufacturing activities and now for the failure of the officials, they have been made as scape-goats bringing the entire business and the resultant livelihood of the petitioners to a grinding halt.

6.1. The sheet-anchor of the submissions of the learned counsels is that though the survey numbers of the lands, in which, the subject brick-kilns have been erected by the petitioners, have not been brought within the purview of the Elephant Corridor, the authorities under the guise of implementing the interim directions of the First Bench closed down all the brick-kilns in scant regard to the provisions of law and also in violation of Articles 14 and 21 of the Constitution.

7. The learned Additional Advocate General, on the other hand, submitted that there is no illegality in passing the impugned orders, as it is the Task Force Committee, which passed the said orders, in obedience to the directions of the Hon'ble First Bench. Placing reliance on G.O.Ms.No.169, dated 04.08.2020, the learned Additional Advocate General contended that the authorities exercised the power vested with them and there is no error in passing the impugned orders. It is submitted that the alleged remittance of the license and seigniorage fees by the petitioners are through online remittances and the same would not confer any rights on the petitioners to run the brick kilns without any valid license. It is her further submission that the authorities have been

issuing notices and orders, which includes stoppage orders, from the year 2019 to curtail the menace of mushrooming of the brick kilns and their haphazard functioning and they find it very difficult to enforce the mandates of the 1957 Act and the TNMMC Rules. It is further submitted that since the brick kilns have not been issued with any valid renewed licenses, even in the event of the impugned orders are set aside, they cannot be allowed to function.

8. Mr.T.Mohan, learned counsel appearing on behalf of Coimbatore District Irulasamuga Nala Sangam and other individuals, who seek to implead in W.P.No.9606 of 2021 as the respondents by filing W.M.P.No.11786 of 2021, submits that the soil, in which the brick kilns of the petitioners have been functioning in the surrounding hills and draining in the valley from where water was carried to Singanallur and Chinnavedampatty lakes and the Noyyal River and thus, this is an environmentally sensitive area. It is submitted that the ecosystem and biodiversity of the land are now under imminent threat in the hands of the petitioners and also resulted in human-animal conflict. It is also submitted that the every provision of the 1957 Act and TNCCMS Rules and the mandates of the Government Orders, including G.O.Ms.No.49, Housing and Urban Development (UD2.2) Department, dated 24.03.2003

have been flouted by the authorities and the petitioners. The provisions of the other environmental protections Act, Rules and Notifications made thereunder were also not complied with by the petitioners and the officials. It is his claim that even assuming that the impugned orders are *non est* in the eye of law, that would not confer any rights on the petitioners to resume their business activities.

8.1. Mr.S.Muralidharan, who appears as Party-in-Person with W.M.P.No.11653 of 2021 seeking to implead him as respondent in the said writ petition, i.e., W.P.No.9606 of 2021, submitted that he is the petitioner in W.P.No.27356 of 2019, which is being heard by the Hon'ble First Bench of this Court. He claimed that he is running a registered organization called Indian Centre for Animal Rights and Education (in short, "INCARE") for the animal welfare. In the affidavit filed with the said miscellaneous petition and also in the submissions made before this Court, he espoused the cause of the animals and the reasons for their untimely death, at the hands of the capricious brick kiln businessmen. He also narrated the irreversible damages caused to the villages, in which these brick kilns have been stationed.

9. Mr.P.Wilson, learned Senior Counsel and Mr.V.Raghavachari, learned counsel for the petitioners contended that the impleading petitioners have no *locus standi* to place any materials before this Court

in these writ petitions, as these are not the Public Interest Petitions, where they can canvass those points. Having regard to the nature of the issues involved, this Court is of the view that the impleading petitions filed by them need not be entertained, though some of their arguments have been taken note of.

10. It is to be stated, at the threshold, that the First Bench is seized of the issue pertaining to the prayer for identification and securing the elephant corridors in the Coimbatore Forest Division and this Court cannot decide the issue pertaining to the same. However, this Court has to necessarily decide the legality of the impugned orders, though it is alleged that the same have been passed in compliance with the directions of the interim order of the First Bench of this Court. It is relevant to state that the First Bench, in the order dated 31.03.2021, for the plea to intervene in the impugned orders, which were passed without following the procedure established by law, directed the owners of brick kilns like the petitioners to approach the appropriate forum in accordance with law, which is the reason why, it is claimed that they are before this Court. In such backdrop, this Court, to the limited extent, is inclined to consider the submissions of the learned counsel for the parties qua the "Elephant Corridor" as well.

11. As has been said, Elephants are the country's "National Heritage Animal" and they, as a herd, always, migrate across 350-500 sq kms annually. A reading of one of the studies about Jumbo pachyderms reveals that India has 101 elephant corridors, of which, 28 have been located in South India. Out of 101 such corridors, 70% are regularly used and in South India, 93% elephant corridors are regularly used, which includes "Sigur Plateau".

12. Keeping this in mind, before proceeding to delve into the submissions made on either side, it is apt to consider the legal position. Rule 19 of the TNMMC Rules deals with the procedure for obtaining quarrying lease in ryotwari lands. Rule 19(2) was introduced vide G.O.Ms.No.106, Industries, dated 24.12.2002, setting out the procedure for quarrying brick earth and a portion of the same is as follows :

"(2) Notwithstanding anything contained in sub-rule (1), the procedure for quarrying brick earth shall be as follows:-

(a) Every brick manufacturing unit shall for quarrying brick earth, apply to the District Collector concerned for quarrying permit in Form-I in Appendix-IV-A along with a copy of certificate of registration issued by the District Collector concerned, the consent letter from the pattadar from whose land it is proposed to quarry the earth for the manufacture of bricks, a non-refundable application fee of Rs.1500/- (Rupees one thousand and five hundred only) and the brick mineral annual fee at the rate specified below remitted in the District Treasury by way of chalan:-

** * * * **

According to the petitioners, they have been issued with the licenses initially, which was sought to be renewed by them by paying necessary fees. But their renewal applications were kept under the cold storage by the concerned departments of the district administration.

13. Rule 36 of the TNMMC Rules speaks of the general restrictions in respect of quarrying operations, while Rule 36-A deals with Penalties for contraventions of the provisions of Section 4 of the 1957 Act. Rule 36-C deals with the appeal and second appeal to be filed against the orders of various authorities. Rule 41 was inserted by G.O.Ms.No.79, Industries (MMC.1) Department, dated 06.04.2015, which mandates that the mining plan is a pre-requisite to the grant of lease and submission and approval of mining plan for minor minerals other than Granite. Rule 42 was also inserted in the TNMMC Rules vide the very same Government Order, which makes it imperative for the applicants to submit environment clearance for the grant of quarry lease for minor minerals including Granite.

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14. Taking note of these provisions, *inter alia*, among other provisions, let us fall back to the facts of these writ petitions. Before proceeding further certain dates are relevant for the purpose of these writ petitions. After the order of the First Bench dated 10.02.2021, the

District Collector, Coimbatore issued proceedings dated 17.03.2021, in Na.Ka.No.5329/2021, directing the officials to take certain actions. The Tahsildar along with the District Environmental Engineer, TNPCB, Coimbatore North, and the Assistant Director (Geology and Mining), Coimbatore, passed the impugned orders on 19.03.2021. The learned Additional Advocate General submitted that based on the aforesaid proceedings of the Collector dated 17.03.2021, the said officials, namely, the Tahsildar, Coimbatore North, the District Environmental Engineer, TNPCB, Coimbatore North and the Assistant Director (Geology and Mining), Coimbatore, inspected the brick kilns on 19.03.2021 and 24.03.2021 and 25.03.2021. In the meanwhile, the said authorities and not the Tahsildar alone, passed the impugned orders on 19.03.2021.

14.1. In the impugned orders/notices there is a reference to the proceedings of the District Collector, Coimbatore in Na.Ka.No.5329/2021, dated 17.03.2021. A perusal of the said order shows that the District Collector had issued a notice as early as on 29.10.2019, which was not conveniently placed before this Court, calling upon the brick kilns manufacturers to show cause within 15 days as to why action should not be taken for running the brick chambers without proper licences, besides asking them to stop their activities forthwith and if they indulge in such activities appropriate criminal action would be taken against them. Further, it is also stated that a Show Cause Notice dated 04.10.2019 in

Notice No.TNPNB/O&G/F.024093/CBE/2019, was also issued in terms of the Tamil Nadu Pollution Control Rules for not obtaining No Objection Certificate from the TNPNB and running the brick kilns in the prohibited area. As stated above, after referring to the order of the First Bench dated 10.02.2021, the District Collector directed the TANGEDCO to disconnect the service connections of the petitioners. The District Collector also directed the Tahsildar, Coimbatore North to take action to close down the brick kilns and asked the Assistant Director (Geology and Mining) and the District Environmental Engineer, TNPNB, Coimbatore North to co-ordinate in the said task.

14.2. At this juncture, it is relevant to note that in the counter-affidavit filed by the District Collector in the writ petition being dealt with by the First Bench, which was also placed on record, it is stated as follows :

"15. 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 manufacturers 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 non-compliance. The competent authority will initiate appropriate action against the offenders in accordance with the various Acts and Rules enacted thereunder.

16. It is respectfully submitted that, the activities, permissions/clearance granted in the area and an exercise will be

undertaken with the participation of the officials of the various departments to regulate these type of activities by a broad based monitoring committee in the long terms interest of both ecology and society. The Mining and Quarrying activities in and around the area including the Elephant Migratory Corridor will be regulated by reviewing of permission/Clearance granted or pending in area lying within the migratory Corridor of the Elephant in Thadagam valley will be undertaken."

14.3. Thus, it is clear that it is the duty of the Tahsildar and other officials, who could be placed on a par with the Taluk Level Task Force, only to examine the adherence of the norms in terms of the license and submit a report to the District Collector and they can do nothing more than that and the competent authority alone can initiate action against the offenders. This is for the simple reason that the District Collector cannot delegate such powers on his own without there being any power conferred on him by the statute or by the State Government in accordance with law to do so. It is settled law that when the statute says something to be done in a particular way, it has to be done in the same way.

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14.4. The learned Additional Advocate General is unable to place anything before this Court as to whether the Taluk Level Task Force after inspecting the brick chambers filed any report before the District Collector, based on which, he had taken any further action.

15. Mr.V.Raghavachari, learned counsel for the petitioner in W.P.No.9606 of 2021 submitted that the petitioner had valid license till 2011 and they sought renewal of the same every year, after remitting the necessary charges, in vain. The same is the contention of the other learned counsels for the other petitioners. There is no explanation forthcoming from the officials as to what was done with respect to the renewal applications which were only piling up every year without any process, in spite of receiving the fees paid by the petitioners, which runs to several lakhs. Though it ought to have been accounted for into the credit of the relevant account, the officials are duty bound to process the applications, upon receipt of the necessary charges. In other words, the applications should have been dealt with in the manner known to law and sent for further action, if everything is in order and all conditions are fulfilled, or else, ought to have been rejected within a reasonable time by assigning valid reasons, which, admittedly, was not done in the cases at hand. The counter affidavit filed by the Government is also silent about the further action taken on the applications for renewal of licences. The petitioners were made to continue to invest money in men and material and now face the wrath of this Court. Thus, the petitioners have been carrying on quarrying activities for more than a decade, by simply remitting the license fees without valid licence. The authorities have also

turned a deaf ear and blind eye to these illegal activities without taking any appropriate action in the manner known to law. The authorities are duty bound to regulate the brick kilns activities by reviewing the permission/licence or clearance granted to the petitioners, which they failed. This shows the callous attitude of the authorities in the discharge of their duties. It is unfortunate to note that the entire district administration, in dealing with the issue at hand, failed to discharge their duties as mandated by the statute. When the authorities are empowered to function under a statute they are expected to act accordingly. There may be *bona fide* loss to any person in discharge of the duties. The Earth is common for all creatures and one should not encroach upon the other's space. All creatures have their own role in balancing the ecological and food cycle. Despite the statute mandates several restrictions, the breach of the same by the authorities and petitioners renders the same useless. It is high time that the authorities should act with more responsibility. सत्यमेव जयते

16. While saying so, this Court cannot lose sight of the fact that the petitioners, who are in the industry and who obtained the licence, by hook or crook, deliberately avoided receiving any adverse orders from the authorities on account of their non-compliance of the statutory provisions ensured that their applications were not processed and now

they plead ignorance of the provisions of the law. Even though it is stated that their resources are put at a grinding halt, for which, they have to incur recurring expenses, having chosen to commence the business and engage resources without even validating the licence, the petitioners are not entitled for any relief qua the said demand in these writ petitions. This Court is not convinced to accept any of the explanations offered by the petitioners in this regard.

17. It is also to be stated that though the District Collector issued the notice dated 29.10.2019, which presumably would have been after the filing of the Public Interest Petitions in W.P.Nos.27356 and 28475 of 2019, nothing has been taken forward till directions were issued by the First Bench of this Court. Just to comply with the directions of the First Bench, the Tahsildar, who has no jurisdiction, along with the two other officials, have passed the impugned orders, which are also cryptic in nature and verbatim same in all these writ petitions. They are only to show that steps have been taken pursuant to the directions issued by the First Bench, and not in compliance with the directions of the First Bench of this Court in letter and spirit.

18. Mr.P.Wilson, learned Senior Counsel contended that the TNPCB issued notices dated 16.02.2021 to the brick kilns manufacturers

calling upon them to comply with certain directions for running their industries within a week's time and failure of the same would result in closure of the brick kilns. It is submitted that those conditions could not be complied with by the petitioners within the time stipulated, i.e, one week and it may not be possible for the authorities also to inspect the premises and make note of the short-comings. He further submitted that after the issuance of those notices, there was no inspection by any authorities in that regard, which again, shows that they failed in the discharge of their duties.

19. Learned Senior Counsel for the petitioners relied upon paragraph 26 of the counter-affidavit dated 15.12.2020 filed by the first respondent in W.P.No.27356 of 2019, which reads as follows :

"26. With regard to the averments made in para 34 of the affidavit, it is submitted that in Coimbatore Division the Elephants move from Kerala towards Nilgiris Eastern slopes forests every year. The forest is contiguous and strictly speaking it is not a corridor at all as per the true meaning. During such migration the Elephants tend to stray out attracted by juicy horticultural / agricultural crops grown in the vicinity of reserved forests".

It is submitted that the said version of the officials makes it very clear that the petitioners have not indulged in cutting the elephant corridor and thus, they deserve an undisturbed livelihood. The learned Additional Advocate General and the impleading petitioners stoutly denied the said contention stating that these brick kilns fell in the elephant corridor

causing man-animal conflict and the resultant damages to both. However, it is pertinent to state that the learned Additional Advocate General admitted that in the counter-affidavit of the District Collector, no particulars, like survey number, route map, etc., have been given to show that the subject brick kilns fell within the elephant corridor.

20. The learned Additional Advocate General and the impleading petitioners contend that the Government in G.O.Ms.No.44, Planning and Development (TC.II) Department, dated 02.04.1990 constituted a High Level Committee, namely, Hill Area Conservation Authority (HACA) to develop the hills into an ecologically acceptable and environmentally desirable area, and the said G.O. mandates that all development programmes in Hill taluks shall be done with the permission of the HACA. The villages in which these brick chambers have been functioning are listed in Annexure-I to the subsequent G.O.Ms.No.49, Housing and Urban Development (UD2.2) Department, dated 24.03.2003, as per which, it is mandatory that a prior clearance of the HACA for any development activity is necessary. Admittedly, such permission was not obtained by the petitioners. It is brought to the notice of this Court that the District Collector is the Chairman of the HACA.

21. As already stated supra, the authorities, who issued the impugned notices, have not been vested with the power to issue such notices and as per the 1957 Act and the TNMMC Rules, the competent authority is the District Collector to pass any order in the issue involved. The District Collector may seek a report from the authorities, pursuant to his proceedings dated 17.03.2021 and pass order based on the report in accordance with law. Though a feeble attempt is made to show that the Assistant Director of Geology and Mining of each District is delegated with such power vide G.O.Ms.No.169, Industries (MMC.1) Department, dated 04.08.2020, for the instant action, only the District Collector is competent to pass any order in accordance with law.

22. For the foregoing reasons, without delving much upon the merits and demerits of the other submissions of the learned counsel on either side, excepting incorporating the same hereinabove, this Court is of the opinion that the impugned orders need interference by this Court. Accordingly, the impugned orders are set aside and the District Collector, Coimbatore, who is the competent authority under the statute, shall pass appropriate orders with respect to all these petitioners after affording an opportunity of hearing within a period of four weeks from the date of receipt of a copy of this order. The impugned orders would be treated as notices to the petitioners for appearing before the District Collector. No

separate notice in this regard will be issued to the petitioners. The petitioners are at liberty to submit all relevant documents in support of their claim. It is made clear that no further extension of time would be granted to the District Collector to complete the above exercise of passing the appropriate orders qua these petitioners. The District Collector, Coimbatore, shall proceed with the further process based on the web copy of this order, without waiting for the certified copy.

23. It is open to the respondents to take any action against the brick kilns, including the petitioners, if it is found that the same has been operated without any license/clearance in the manner known to law. This order would not preclude the authorities in exercising their powers in accordance with law. It is also made clear that the owners of the brick kilns can run the show, if they possess a valid licence and other documents to do so.

24. These writ petitions are ordered to the extent indicated above. However, there shall be no order as to costs. Consequently, WMP Nos.11653 and 11786 of 2021 are dismissed and the other connected writ miscellaneous petitions are closed.

25. Post these writ petitions on 07.06.2021 'for reporting compliance'.

30.04.2021

Index : Yes / No
Internet: Yes

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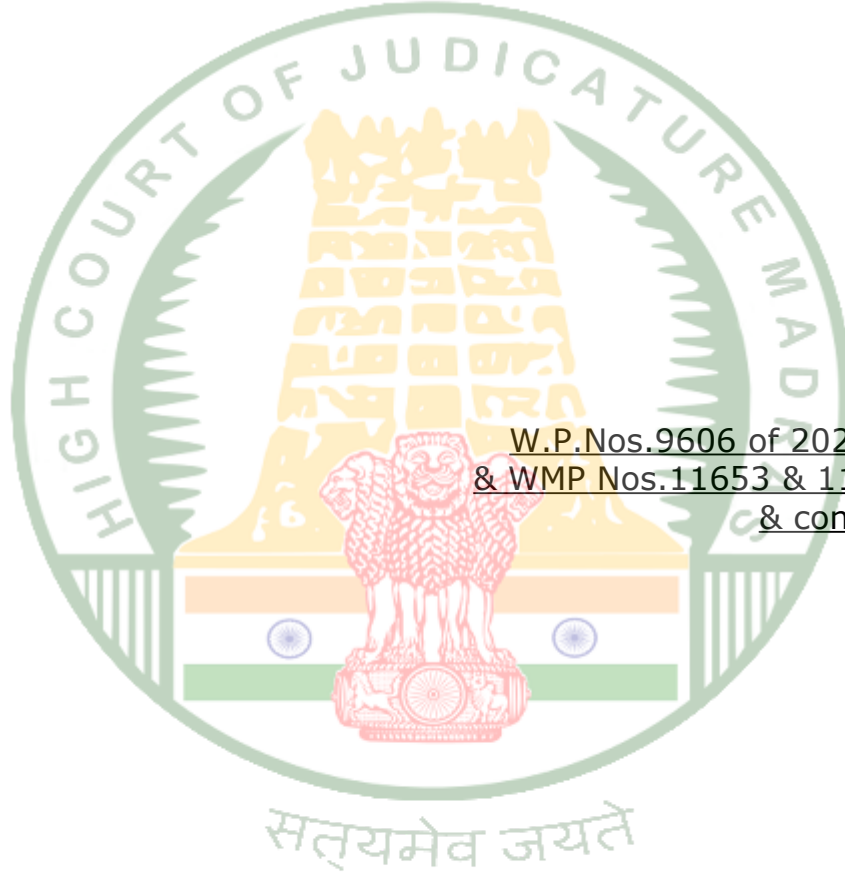
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