

## Failed by the judiciary

Tamil Nadu's courts keep issuing orders against illegal mining. The quarries stay open. The activists get killed. And justice? Mostly adjourned.

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Three trucks seized by revenue officials from Periyakulam tank at E. Kumaralingapuram village, in Virudhunagar district, for illegal quarrying of gravel. (a file picture) | Photo Credit: BY SPECIAL ARRANGEMENT

The killing of Jagabar Ali in January this year by members of Tamil Nadu's mining mafia may have added another dark chapter to the ongoing battle against illegal mining in the State, but activists are equally worried over the fact that neither the government nor the judiciary has been able to stem the rot. The judiciary, for its part, has largely confined itself to issuing directions without ensuring their implementation. No suo motu PIL petitions have been initiated by the High Court Legal Services Authority, nor have any Special Benches been constituted to address the issue.

In Ali's case, the High Court's ineffectiveness was evident: the quarries remained open despite the court's order dated September 5, 2023, directing the Collector to inspect and close the unlicensed ones. And Ali was killed despite his petitions to the police seeking protection. The High Court too failed to order police protection despite his representations since June 2024.

In a similar case, R. Jeganathan from Karur, who persistently fought for the closure of illegal quarries, was run over by a lorry in September 2022. In this case too, the High Court was reluctant to provide protection to the witnesses and transfer the trial to another district, even after the activist's death.

In 2014, hearing the case of the murder of Thanikachalam, a 60-year-old activist from Vellore, Justice Anand Venkatesh of the Madras High Court noted: "The petitioner is a highly educated person who decided to devote his life towards conservation of waterbodies. Very few people dedicate their lives to the public cause."

Although Thanikachalam successfully received an order from the High Court, the district administration refused to remove the encroachments on the water body along the Kannar channel connecting Thottalam lake in Pallur Pudur until November 2014. Thanikachalam was subsequently killed. Even after his death, the police reportedly connived with the encroachers and discrepancies were reported in the post-mortem procedures.

Veeramalai and his son Nallathambi were fighting for the removal of encroachments on a lake in Muthalaipatti village in Karur and approached the High Court in 2016. The court directed the removal of the encroachments, but the government did not implement the order. The court expressed its exasperation, stating: "It is unfortunate that despite a notice for removal of unauthorised occupation of a waterbody [lake], no action has been taken till now.... Despite a number of directions issued, unauthorised occupants are continuing to hold waterbodies with the tacit support of the officials."

The court ordered the government to file a status report and followed it with a contempt petition. Provoked by these moves, the encroachers killed Veeramalai and his son on July 29, 2019. The High Court took suo motu cognisance of the murder and said: "On account of the lethargic attitude exhibited by the concerned official respondents, encroachers began to think that it is their fundamental right to encroach upon the water bodies... the government should wake up to the reality and take appropriate, speedy, and remedial action."

For many environmental activists battling a corrupt administrative machinery, the court remains a lone ray of hope. But the judiciary's tentative interventions so far have only emboldened the mafias. It must act strongly before we lose many more Alis.

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**<https://frontline.thehindu.com/environment/tamil-nadu-mining-mafia-activist-murders-judicial-inaction/article69460140.ece>**