

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 10512 of 2015
and
M.P. Nos. 1 to 3 of 2015

T. Murugesan

.. Petitioner

-vs-

1 The Commissioner of Geology and Mining
O/o.The Commissioner of Geology
and Mining Guindy
Chennai-600032

2 The District Collector
Salem District Salem 636001

3 The District Revenue Officer
Salem District Salem 636 001

4 The Revenue Divisional Officer
Salem Division Salem 636 001

5 The Assistant Director
Department of Geology and Mining
Salem 636 001

6 C.Murugesan

... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take action against the 6th respondent for doing illegal quarry of rough stone/ jelly and earth from poramboke land comprised of S.No.383/ B measuring about 5 acres situated in Erumapalayam Village, Salem Taluk, Salem District and pass further orders.

For petitioner : Mr. A.Nagarathinam

For respondents : Mr. T.N. Rajagopalan, Spl. G.P.
For R1 to R5

ORDER

This Writ Petition has been filed by Mr. T. Murugesan, who claims to be the owner of the land covered in Survey No. 383/3 measuring to an extent of 0.53.0 hectare, situated in Erumapalayam Village, Salem District, that has been leased out to the 6th respondent, Mr. C. Murugesan, under an unregistered Lease Agreement dated 01.06.2007.

2. With the consent of both the parties, the writ petition is taken up for disposal, at the stage of admission itself.

3. The grievance of the petitioner is that on the basis of the unregistered lease agreement, the 6th respondent submitted a representation to the District Collector, Salem with a request to issue quarry license. Accepting the request of the 6th respondent, the second respondent also passed an order on 06.11.2007 permitting him to quarry rough stone/ jelly and earth in S.F. No. 383/3 over an extent of 0.53.0 hectare of patta lands situated in Erumapalayam Village, Salem District for a period of five years only. Even after the expiry of five years, the 6th respondent, without obtaining renewal from the competent authority continued to quarry rough stone/ jelly and earth. Therefore, the petitioner who is the owner of the quarry objected the same. The 6th respondent along with his son, assaulted him causing serious injury, therefore, the petitioner registered a complaint before the Bar Council of Tamilnadu based on which a notice was issued to the 6th respondent calling for his written explanation. Resultantly, the 6th respondent is continuing his illegal quarry business without due license. Therefore, the petitioner has given a representation to the respondents 1 to 5 but no action was taken against the 6th respondent. Therefore, he has come to this Court.

4. Taking notice, Mr. T.N. Rajagopalan, learned Special Government Pleader representing the respondents 1 to 5, made a statement before this Court that on the basis of the representation given by the petitioner on 20.02.2015, a suitable action would be taken.

5. It appears that the second respondent, the District Collector, Salem also has directed the 4th respondent, the Revenue Divisional Officer, Salem to conduct an enquiry and submit his report. But, till date no report whatsoever has been filed by the 4th respondent. Therefore, the petitioner is right in approaching this Court, to take expeditious action against the 6th respondent. Although the District Collector, the second respondent herein, has directed the 4th respondent no enquiry has been held by the Revenue Divisional Officer. It appears, on the basis of the representation

given by the petitioner dated 20.02.2015, the District Collector, Salem had directed the 4th respondent Revenue Divisional Officer, Salem to hold an enquiry and submit a report thereafter. Since no further development had taken place, the petitioner had again submitted a representation. Inspite of repeated representations, the 4th respondent has not acted. This Court feels that no notice is required to the 6th respondent, as directions ought to be given is only to the Revenue Authorities, for expeditious disposal of the enquiry.

6. Therefore, this Court deems it fit to direct the respondents 1, 2, 3 and 4 to do the needful, particularly, the 4th respondent Revenue Divisional Officer, Salem is hereby directed to expedite the hearing of the matter, after giving notice to the 6th respondent and the petitioner and after hearing the affected parties and to submit a report within three weeks from the date of receipt of a copy of this order. On receipt of such report, the 2nd respondent, the District Collector, Salem is directed to act on the report submitted by the 4th respondent, preferably within a period of eight weeks thereof.

7. With this observation, the writ petition is disposed of. Consequently, the connected M.Ps are closed. No order as to costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

avr

To

- सत्यमेव जयते
- 1 The Commissioner of Geology and Mining
O/o.The Commissioner of Geology
and Mining Guindy, Chennai-600032
 - 2 The District Collector
Salem District Salem 636001
 - 3 The District Revenue Officer
Salem District Salem 636 001
 - 4 The Revenue Divisional Officer
Salem Division Salem 636 001

1 cc to Government Pleader, Sr. 20548
1 cc to Mr.G. Pugazhenthì, Advocate, Sr. 20200

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