

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5207 of 2015

Palaniappan

...Petitioner

Vs

1. The District Collector,
Namakkal

2. The Tahsildar,
Thirucehngodu Vattam
Namakkal District

3. Velmurugan

4. Saraswathi

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents more particularly 1st respondent to consider the representation of the petitioner dated 21.07.2014 and take appropriate action against respondents 3 and 4 in accordance with Section 133 of Cr.P.C., on the basis of the said representation within stipulated time.

For Petitioner :Mr.S.Sounthar

For Respondents :Mr.R.Vijayakumar for R1 and R2
Additional Government Pleader

O R D E R

Heard Mr.S.Sounthar, learned counsel appearing for the petitioner and R.Vijayakumar, learned Additional Government Pleader appearing for the first and second respondents. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2.In the light of the direction to be issued by this Court in this writ petition, notice to the 3rd and 4th respondents is dispensed with.

3.The petitioner claims to be the owner of the property in survey nos.191/3, 198/2A, 197/2A, 197/2A, 198/2B, 198/3, 198/4A1, 191/1C, 191/2, 197/2B, 198/1 and 200/1A2. The allegation is that the respondents 3 and 4 are quarrying in the adjacent land and they are having stone crushing unit under the name and style of Saraswathi Blue Metal.

4.It is to be pointed out that unless and until the respondents 3 and 4 obtain license, they cannot run the stone quarry and crushing unit. However, the petitioner does not specifically state that the respondents 3 and 4 do not have license. Their grievance appears to be that the respondents 3 and 4 are conducting blasting operations during night hours and therefore, they seek to consider the representation and to take appropriate action against the respondents 3 and 4 in accordance with Section 133 of Cr.P.C.

5. Without going into the merits of the petitioner's contention, there shall be a direction to the 2nd respondent to consider the petitioner's representation dated 21.07.2014, after issuing notice to the petitioner and the respondents 3 and 4 and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

With the above observation, this petition is disposed of. No costs.

Sd/-
Assistant Registrar
Dated:11.3.15

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Namakkal

2. The Tahsildar,
Thirucehngodu Vattam
Namakkal District

+1 cc to Government Pleader,SR.11295

+1 cc to Mr.S.Sounthar, Advocate,SR.10830

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krd 13/3

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