

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.24126 of 2016

G.Sadhasivam

.... Petitioner

Vs.

1.The Principal Secretary,
Represented by, Government of Tamil Nadu,
Department of Industries, Secretariat,
Chennai.

2.The Director,
Department of Geology and Mines,
Guindy, Chennai - 32.

3.The Deputy Director,
Department of Geology and Mines,
Guindy, Chennai - 32.

4.The District Collector,
Collectorate, Krishnagiri.

5.The Deputy Director,
Department of Geology and Mines,
Collectorate, Krishnagiri.

6.The Assistant Director
Flying Squad,
Department of Geology and Mines,
Collectorate, Salem.

7.The Tahsildar, Taluk Office,
Uthangarai, Krishnagiri District.

8.Kumaresan

9.Saravanan

.... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to take action against the respondents 8 and 9 by considering the representation dated 03.07.2016.

For Petitioner : Mr.K.Thiruvengadam

For RR 1 to 7 : Mr.S.Diwakar,
Special Government Pleader

ORDER

Heard Mr.K.Thiruvengadam, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader accepting notice on behalf of the respondents 1 to 7 and with their consent, the Writ Petition itself is taken up for final disposal.

2.Since in the light of the order, this Court proposes to pass in this writ petition, notice to the respondents 8 & 9 is dispensed with.

3.The petitioner's case is that he is the absolute owner of the lands addressed in Survey Nos.3/5 and 4/1B in Keelkuppam Village, Uthangarai Taluk, Krishnagiri District, having purchased the properties by sale deed dated 16.07.2007 registered as Document No.2673/2007 on the file of the Sub Registrar, Uthangarai. The petitioner has also produced a copy of Patta No.184 to show that the petitioner is in possession of the said lands. The allegation is that the respondents 8 & 9 are operating a stone crusher unit in Survey No.14/2A of Bommatti Village and they are said to have trespassed into the petitioner's property and removed soil and also conducted blasting operations and removed blue metal from the petitioner's land that too in night hours. The petitioner submitted representations to the official respondents viz., respondents 1 to 7 on 03.07.2016 and these representations have been sent by registered post and from the postal acknowledgment, it is seen that all the official respondents have received the representations. However, it appears that no action has been initiated till date.

4.In the light of the above, there will be a direction to the 7th respondent to conduct a surprise inspection of the property in question as to whether any illegal removal of sand or any illegal mining activities is going on in the petitioner's property as alleged by the petitioner. If there are any incriminating materials which surfaces, on such inspection, then the 7th respondent shall issue notice to the petitioner as well as the respondents 8 & 9 and proceed to take action in accordance with law. The above direction shall be complied with by the 7th respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sgl

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1.The Principal Secretary,
Represented by, Government of Tamil Nadu,
Department of Industries, Secretariat,
Chennai.
- 2.The Director,
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Collectorate, Krishnagiri.
- 6.The Assistant Director
Flying Squad,
Department of Geology and Mines,
Collectorate, Salem.
- 7.The Tahsildar, Taluk Office,
Uthangarai, Krishnagiri District.

+1CC to MR.K.Thiruvengadam Advocate SR.NO.39393

+1CC to Government Pleader, High Court, Madras SR.NO.39667

सत्यमेव जयते

W.P.No.24126 of 2016

CA [CO]

MK:27/07/2016

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