

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.33501 of 2016

Mathesh

...Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

3. The Tahsildar,
Krishnagiri District,
Krishnagiri.

4. The Assistant Director,
Geology and Mining,
Krishnagiri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to return a sum of Rs.82,000/- which was deposited by the petitioner over taking the lease, regarding to Survey No.56/1, Part C in 3.06.0. acres in Kothabetta Village, Krishnagiri Taluk and District within a stipulated period of time prescribed by this Court, pursuant to the representation, dated 23.08.2016, given to the first respondent.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

Heard Mr.T.Muruganantham, learned counsel appearing for the petitioner, and Mr.A.N.Thambidurai, learned Special Government Pleader, accepting notice on behalf of respondents. With the consent on either side, the Writ Petition itself is taken up for disposal

2. The prayer sought for in the Writ Petition, is for issuance of a writ of mandamus to direct the respondents to return a sum of Rs.82,000/- which was deposited by the petitioner over taking the lease, in respect of the property comprised in Survey No.56/1, Part C, measuring an extent of 3.06.0. acres at Kothabetta Village, in Krishnagiri Taluk and District, pursuant to the petitioner's representation, dated 23.08.2016, given to the first respondent.

3. The petitioner was granted lease to quarry rough stone from earth, for a period of five years. At the time, when the petitioner obtained lease, he has deposited a sum of Rs.82,000/- towards security deposit. The petitioner case is that, the period of lease was over on 02.05.2015, and he has not committed any other violation, and therefore, he is entitled for refund of the security deposit. When such request was made by the petitioner to the first respondent/District Collector, the first respondent, by proceedings, dated 03.03.2016, directed the second respondent/Revenue Divisional Officer, Krishnagiri, to conduct an enquiry into the matter, and find out as to whether there has been any violation of the rules, or excess quarrying was done, or if any dues are payable by the petitioner, and sought for a report to be submitted before him. This direction appears to have been not complied with by the second respondent. Therefore, the petitioner submitted a representation to the first respondent/District Collector on 23.08.2016, which has been sent by speed post, and received in the Office of the District Collector, on 24.08.2016. Since no action was taken on the same, the petitioner is before this Court, praying for the relief, as mentioned above.

4. In the light of the above facts, no positive direction can be issued to the respondents to refund the amount. However, since the first respondent/District Collector has directed the second respondent/Revenue Divisional Officer to conduct enquiry into the matter, and submit a report, there will be a direction to the second respondent/Revenue Divisional Officer to comply with the direction of the first respondent/District Collector, dated 03.03.2016, and conduct inspection and submit report to the first respondent/District Collector, within a period of four weeks from the date of receipt of a copy of this order. Based on such report, the first respondent/District Collector is directed to process the petitioner's application in accordance with law.

5. With the above direction, the Writ Petition stands disposed of . No costs.

sd

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar,
Krishnagiri District,
Krishnagiri.
4. The Assistant Director,
Geology and Mining,
Krishnagiri District.

+1CC to MR.T.MURUGANANTHAN Advocate SR.NO.54451

+1CC to Govt Pleader SR.NO.54588

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NR[CO]

MK:21/10/2016

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