



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.11979 of 2015

V.Thangamalai

..Petitioner

Vs.

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli District

3.The Assistant Director,
Geology and Mines,
Tirunelveli District

4.The Tahsildar, Sankarankoil Taluk
Sankarankoil, Tirunelveli District

5.The Executive Engineer,
Upper Vaippar Basin
Rajapalayam

6.The Assistant Executive Engineer
Upper Vaippar Basin,
Sankarankoil, Tirunelveli District

7.The Superintendent of Police,
Tirunelveli District, Tirunelveli

8.Thomas Vaigundamani

9.V.Padmanathan

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 7 to take appropriate action against the respondents 8 and 9 from carrying out illegal quarrying in Periyakulam Tank, situate in S.No.1 of Panayoor Village, Sankarankoil Taluk, Tirunelveli District.

For Petitioner

: Mr.D.Malaichamy

For Respondents

: Mr.M.Govindan

Government Pleader for R1 to R7

Mr.N.Anantha Padmanaban for R8

No appearance for R9

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this public interest litigation seeking a direction to the respondents 1 to 7 to take appropriate action against the respondents 8 and 9 from carrying out illegal quarrying in Periyakulam Tank, situate in S.No.1 of Panayoor Village, Sankarankoil Taluk, Tirunelveli District.

2. We have heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 7 and the learned counsel for the 8th respondent. We have also perused the records carefully.

3. The District Collector, Tirunelveli, in his counter, *inter alia*, in Paragraph NO.9 has stated as follows:

"9.It is submitted that the writ petitioner has filed this petition praying for a direction to the respondents from 1st to 7th to stop quarrying in the tank and legal actions against 8th and 9th respondents for their illegal quarrying and violations of rules. The 1st respondent has issued orders cancelling the permits and the 2nd respondent is taking action to levy penalty under Rule 36A(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959. Criminal cases have been registered against the 9th respondent. This respondent duly carried out all the process in law and penalised the wrong doer correctly. Further, the prayer and the request of the writ petitioner have been complied with. In such circumstances, there is no need to appoint an advocate commissioner as demanded by the writ petitioner."

4. The learned counsel for the 8th respondent submitted that license was issued on 27.07.2015 and the respondent No.8 returned the license on 29.07.2016 and thus, he is not doing any quarrying.

5. In the light of the above submissions, no question of issuing any further direction in this writ petition arises. Thus, nothing survives for adjudication. Accordingly, the writ petition is dismissed. It is also brought to our notice that in connection with the alleged illegal quarrying, FIR has been registered. We do not want to say anything about the same, because, it is for the police to proceed with the investigation. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli District

3.The Assistant Director,
Geology and Mines,
Tirunelveli District

4.The Tahsildar,
Sankarankoil Taluk
Sankarankoil,
Tirunelveli District

5.The Executive Engineer,
Upper Vaippar Basin
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6.The Assistant Executive Engineer
Upper Vaippar Basin,
Sankarankoil, Tirunelveli District

7.The Superintendent of Police,
Tirunelveli District, Tirunelveli

+1cc to Mr.N.Aanantha Padmanaban, Advocate in SR.56473

+1cc to the Special Government Pleader in SR.56674

W.P (MD) No.11979 of 2015
27.09.2016

rr.

PBK/GSV-PM 06.10.2016 ::3P-10C: