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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24195 of 2016
and
W.M.P (MD) No.17470 of 2016

M.Murugan

..Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary,
Department of Public Works,
Fort St. George, Chennai.

2.The District Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Director,
Department of Mines,
District Collector Office Campus,
Ramanathapuram.

4.The Deputy Collector,
Ramanathapuram,
Ramanathapuram District.

5.The Chief Engineer,
Public Works Department (Water Resources),
R.S. Department, Chepauk,
Chennai - 6.

6.The Sub Collector,
Paramakudi,
Ramanathapuram District.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to the second respondent to prevent the quarrying of sand in Survey No.22/1, Kadaladi and in Survey Nos.323 and 324 of Appanur Village, 16 and 17, A.Veppankulam Village, Kadaladi Taluk, Ramanathapuram District by considering petitioner's representation dated 29.11.2016 within the time that may be stipulated by this Court.



For Petitioner : Mr.V.Nirmal Kumar
For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

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[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the second respondent to prevent the quarrying of sand in Survey No.22/1, Kadaladi, Survey Nos.323 and 324 of Appanur Village, Survey Nos.16 and 17, A.Veppankulam Village, Kadaladi Taluk, Ramanathapuram District, by way of passing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Maravar Karisakulam Village, Kadaladi Taluk, Ramanathapuram District. Now the respondents have decided to give necessary permission of quarrying sand in the survey numbers mentioned in the petition. Under the said circumstances, a representation has been given by the petitioner on 29.11.2016 to the concerned authorities and the same has not been considered and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents.

4.The learned counsel appearing for the petitioner has contended that a representation has been given on 29.11.2016 by the petitioner with regard to quarrying of sand in the survey numbers mentioned in the petition, but the same has not at all been considered and therefore the present writ petition has been filed for getting the relief sought therein.

5.The learned Special Government Pleader appearing for the respondents has contended that in the survey numbers mentioned in the petition so far no quarrying activities are being done and quarrying of sand will be given after giving due publication and also after hearing general public and also after getting clearance from State Environmental Impact Authorities, but with regard to survey numbers mentioned in the petition, no such activities have been done and therefore the relief sought in the petition is premature and the same is liable to be dismissed.

6.Considering the representation made on the side of the respondents and also considering the fact that no document has been filed for the purpose of showing that quarrying of sand is going on in the survey numbers mentioned in the petition, this Court is of the view to direct the concerned authorities to consider the representation alleged to have been given by the petitioner on 29.11.2016. With the above observation, this writ petition is liable to be allowed.



7. In fine, this writ petition is allowed without costs and the respondents are directed to look into the representation dated 29.11.2016 and after giving sufficient opportunity to the petitioner pass suitable order within a period of one month. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS)

To

1. The Secretary,
Department of Public Works,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The District Collector,
Ramanathapuram,
Ramanathapuram District.
3. The Assistant Director,
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District Collector Office Campus,
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Chennai - 6.
6. The Sub Collector,
Paramakudi,
Ramanathapuram District.

+1cc to Mr.V.Nirmalkumar, Advocate in SR.81558
+1cc to the Special Government Pleader in SR.81605

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and

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smn

PBK 27.12.2016 ::3P-9C: