



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition (MD) No.24226 of 2016

P.Annadurai

... Petitioner

Vs.

1.The District Collector, Trichy.

2.The Revenue Divisional Officer,
Musiri, Trichy District.

3.The Executive Engineer,
Public Works Department,
River Conservation Division,
Trichy District.

4.The Assistant Engineer,
Public Works Department,
River Conservation Division,
Musiri, Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to take appropriate action against erring respondents 3 and 4 for illegally quarrying the river sand in Survey No.61 except allotted area situated at Manamedu Village, Thottiyam Taluk, Trichy District on the basis of the petitioner's representation dated 19.11.2016.

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.M.Govindan

Special Government Pleader.

ORDER

(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 first respondent to take appropriate action against the respondents 3 and 4 for illegally quarrying river sand in Survey No.61 except allotted area, situated in Manamedu Village, Thottiyam Taluk, Trichirapalli District by way of issuing a writ of mandamus on the basis of the representation dated 19.11.2016.



2.It is averred in the petition that the petitioner is a resident Manamedu Village, Thottiyam Taluk, Trichirapalli District. The respondents 3 and 4 are doing sand quarrying in Survey No.61 and they attempted to quarrying sand from the remaining portion of the river other than the allotted area and therefore, a representation has been given on 19.11.2016. But the authorities have not taken any steps. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.It is seen from the records that in respect of part of Survey No.61, permission has been granted for doing quarrying activities.

4.The main grievance expressed on the side of the petitioner is that the respondents 3 and 4 are making arrangements to quarrying sand in the remaining portion of the river other than allotted area.

5.The learned Special Government Pleader appearing for the respondents has represented that in Survey No.61, totally 201.98.0 hectares are available and only in respect of 20 hectares permission has been granted and no quarrying activities are performed in the remaining portion of Survey No.61 and therefore, the present petition is nothing but frivolous.

6.As mentioned supra, the main grievance of the petitioner is that the respondents 3 and 4 are doing illegal quarrying activities in the remaining portion of Survey No.61 other than allotted area.

7.Considering the nature of the contention put forth on the side of the petitioner and also considering the fact that only with regard to limited area, permission has been granted to the respondents 3 and 4, this Court is of the view to pass the following order.

8.In fine, this writ petition is allowed without cost. The respondents 3 and 4 are strictly directed not to do quarrying activities in the remaining portion of Survey No.61 other than the allotted area situated in the same survey number. Consequently, WMP (MD) No.17521 of 2016 is closed.

Sd/-
Assistant Registrar

/True copy/



To

1.The District Collector,
Trichy.

2.The Revenue Divisional Officer,
Musiri, Trichy District.

3.The Executive Engineer,
Public Works Department,
River Conservation Division,
Trichy District.

4.The Assistant Engineer,
Public Works Department,
River Conservation Division,
Musiri, Trichy District.

+1cc to Mr.M.Subash Babu, Advocate SR.No.82365

+1cc to special Government Pleader SR.No.82325

mj

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