

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE Mr.JUSTICE M.SUNDAR

W.P.No.27646 of 2017

C.K.Nandhakumar

... Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.
2. Revenue Divisional Officer,
Erode Division,
Brough Road,
Erode.
3. The Tahsildar,
Perundurai Taluk,
Perundurai, Erode District.
4. Assistant Director,
Geological and Mines Department,
Collectorate,
Erode District.
5. Assistant Director,
Land Survey Department,
Collectorate,
Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 5 to conduct digital survey of fields and implement the order of the first respondent passed in Na.Ka.No.3199/2015/X1 dated 22.09.2016 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Gokulakrishnan

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (i/c)

O R D E R

(Order of the Court was made by M.SUNDAR, J.)

This writ petition has been filed as a public interest litigation.

2. Subject matter of the writ petition is alleged illegal mining in lands comprised in certain survey numbers.

3. On the complaint of the writ petitioner, the revenue authorities passed an order mulcting penalty on two individuals viz., K.R.Senapathy and T.C.Subramaniam.

4. Aggrieved, the two individuals carried the matter in an appeal to the District Collector, Erode, who is respondent No.1 before us. In the appeal, District Collector, Erode passed an order dated 22.09.2016 bearing Na.Ka.No.3199/2015/X1.

5. The prayer in the writ petition is runs as follows:

"For the reasons stated in the accompanying affidavit, the petitioner respectfully prays that this Hon'ble Court may be pleased to issue Writ or order or direction particularly in the nature of Writ of Mandamus directing the respondents 2 to 5 to conduct digital survey of fields and implement the order of the 1st respondent passed in Na.Ka.No.3199/2015/X1 dated 22.09.2016 within the time stipulated by this Hon'ble Court and pass such further or other orders as this Hon'ble Court deems fit and proper in the interest of justice and thus render justice."

6. Though the prayer in the writ petition is as extracted supra, in the hearing before us today, Mr.A.Gokulakrishnan, learned counsel appearing on behalf of the petitioner abridges/restricts the prayer. Learned counsel appearing on behalf of the petitioner submits that he will be satisfied if there is a direction to the Revenue Divisional Officer, Erode Division (respondent No.2 before us) to complete the enquiry post remand, within a time frame, pursuant to the aforesaid order dated 22.09.2016 of the District Collector, Erode.

7. Mr.T.N.Rajagopalan, learned Government Pleader (i/c) accepts notice on behalf of all the five respondents.

8. In the usual course, we would have insisted that the two individuals referred to supra, who were mulcted with penalty, ought to have been arrayed as respondents in this

writ petition. However, in the light of the abridged/restricted prayer of the learned counsel appearing for the petitioner and the order that we are now passing in this writ petition, we are not insisting that the writ petitioner should add the aforesaid two individuals as party respondents.

9. In the light all that have been set out supra, there, there shall be a direction to respondent No.2 before us i.e., the Revenue Divisional Officer, Erode Division to complete the enquiry pursuant to the order of remand made by the first respondent/District Collector, Erode being order dated 22.09.2016 bearing Na.Ka.No.3199/2015/X1 within a period of three months from the date of receipt of a copy of this order.

10. The writ petition is, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Erode Division,
Brough Road, Erode.
3. The Tahsildar,
Perundurai Taluk,
Perundurai, Erode District.
4. The Assistant Director,
Geological and Mines Department,
Collectorate,
Erode District.
5. The Assistant Director,
Land Survey Department,
Collectorate,
Erode District.

+1cc to Mr.A.Gokulakrishnan, Advocate, S.R.No.76620

+1cc to the Government Pleader, S.R.No.76794

W.P.No.27646 of 2017

AR IV

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