



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.04.2017

CORAM :
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No. 20673 of 2015
& M.P. (MD) Nos. 1 and 2 of 2015

S.Ajimon

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Director of Geology and Mines,
Guindy,
Chennai.

3.The President,
A.P.Nadanoor Panchayat,
A.P. Nadanoor Post,
Alangulam Taluk.

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kadayam Sub-Station,
Tirunelveli District.

5.S.Mariappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the third respondent to forbear the fifth respondent from constructing the illegal structure in S.No.653(1), situated at Anaindhaperumalndanur Village, Alangulam Taluk, Tirunelveli District, in the light of Rule 34 of Tamil Nadu Panchayat Building Rules, 1997.

For Petitioner
For R1 & R2

: Mr.T.Lajapathi Roy
: Mr.S.Chandrasekar
Government Advocate

For R3 & R5

: No Appearance

For R4

: Mr.G.Kasinathadurai



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

The petitioner's grievance is that the fifth respondent has put up illegal construction in the property in question in violation of Rule 36(1-A)(c)(iii) of Tamil Nadu Minor Mineral Concession Rules, which has placed an embargo on construction activities or permitting new lay out or grant of plan approval of any property within 300 Kilometers from any quarry. It is not clear as and when the petitioner's land was declared as quarry, as it has been mentioned in the licence to extract Rough Stones, Blue Metal and Gravel. If the fifth respondent's property is already a house site or land meant for other construction activities, then the point raised by the petitioner may not apply to the case of the fifth respondent.

2.The learned counsel for the fourth respondent submitted that already the construction is over. However, electricity connection has not been granted and the same is pending.

3.In the light of the above facts, it is for the appropriate authority to take into consideration the said aspects. It is seen that the petitioner has given a representation to the respondents 1 to 3. Thus, without going into the merits of the petitioner's claim, a direction is issued to the first respondent to consider the representation of the petitioner after issuing notice to the fifth respondent and to do the needful.

4.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS I)

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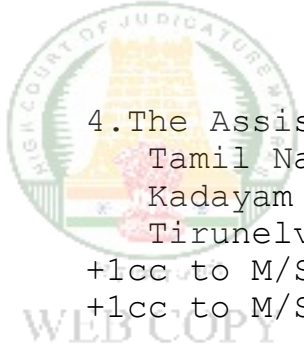
Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Director of Geology and Mines,
Guindy,
Chennai.

3.The President,
A.P.Nadanoor Panchayat,
A.P. Nadanoor Post,
Alangulam Taluk.



4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Kadayam Sub-Station,
Tirunelveli District.

+1cc to M/S.G.Kasinathadurai, Advocate, SR.52391

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.52488

W.P (MD) No.20673 of 2015
& M.P. (MD) Nos.1 and 2 of 2015

17.04.2017

SMN2

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