



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.3094 of 2015

Kalyani

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District,
Tirunelveli.
3. The Assistant Director,
Mines and Minerals Department,
Tirunelveli.
4. The Thasildar,
Ambasamuthiram Taluk,
Tirunelveli District.
5. The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District,
Tirunelveli.
6. S.Arunthomas.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to initiate action against the 6th respondent herein for illegal red sand quarries in the petitioner's patta land in Survey No.421/1A for the extent of 11 acres 40 cents which is situated at V.K.Puram Village, Ambasamuthiram Taluk, Tirunelveli District.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.S.Kumar

Additional Government Pleader

For Respondent 6 : Mr.R.T.Arivukumar

**ORDER**

This writ petition has been filed by the petitioner to issue a Writ of Mandamus directing the respondents 1 to 5 to initiate action against the 6th respondent herein for illegal quarrying of red sand in the petitioner's patta land in Survey No.421/1A for the extent of 11 acres 40 cents which is situated at V.K.Puram Village, Ambasamuthiram Taluk, Tirunelveli District.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the 6th respondent and also the learned Additional Government Pleader for respondents 1 to 5.

3. The petitioner, who claims to be the owner of the property with patta in Survey No.421/1A to an extent of 11 acres 40 cents at V.K.Puram Village, Ambasamuthiram Taluk, alleged that some illegal quarrying operation of red sand to the width of 5775 metres and the same has been transported illegally.

4. According to the petitioner, in the civil suit O.S.No.21 of 2009 on the file of the District Munsif Court, Ambasamuthiram, Tirunelveli District, on 20.08.2010, a decree as well as judgment in favour of the petitioner came to be passed against the 6th respondent, who is alleged to have involved in illegal quarrying. The said judgment in O.S.No.21 of 2009 came to be challenged in A.S.No.75 of 2010 and the same was dismissed.

5. While things stood thus, the petitioner's representations dated 24.01.2011 & 15.02.2011 for taking appropriate action against the 6th respondent for illegal quarrying, kept unattended and thereafter the Revenue Divisional Officer/2nd respondent herein, was directed by the Assistant Director, Mines and Minerals Department, Tirunelveli / the 3rd respondent herein on 17.06.2011, to take appropriate action. Meanwhile, as directed, the Thasildar/4th respondent inspected the property and ascertained that some illegal sand quarrying operations had been done. Accordingly, he communicated the same to the other respondents. Despite the same, no action has been taken. The petitioner once again submitted a representation dated 30.09.2014 for proper action.

6. The submission of illegal quarrying as alleged by the petitioner in this writ petition has been stoutly refuted by the learned counsel appearing for the 6th respondent. Hence to give quietus, the 3rd respondent herein is hereby directed to consider the report submitted by the 4th respondent on 15.09.2011 and conduct appropriate enquiry after due notice as well as an opportunity of being heard to the petitioner and to the 6th respondent, and thereafter, within a period of six weeks,



necessary orders be passed.

7. With the above directions, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
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4. The Thasildar,
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Tirunelveli District.
5. The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District,
Tirunelveli.

+ 1 CC TO Mr.A.D.GANESHA MOORTHY, ADVOCATE IN SR No. 63539
+ 1 CC TO Mr.R.T.ARIVUKUMAR, ADVOCATE IN SR No. 63662
+ 1 CC TO THE SPECIAL GOVERNMENT PLEADER IN SR No. 63719

GK/SMN

TE/MR/SAR-I : 14/07/2017 : 3P/9C

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