



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :16.03.2017
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P (MD) No.5997 of 2015

J.Krishnasamy

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi.

3.The Tahsildar,
Tahsildar Office,
Sivakasi.

4.The Assistant Director of Geology and
Mines,
District Collector's Office Campus,
Virudhunagar District.

5.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.6/26, Gangai Street,
Madurai Road, Virudhunagar-1,
Virudhunagar District.

6.S.Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to make spot inspection on Survey No.195/4 situated at Vijayarengapuram Village and its vicinity at Sivakasi Taluk of Virudhunagar District to ascertain the demands and pass appropriate order as per the representations of the petitioner dated 20.01.2015 and 01.04.2015 within a stipulated period of time.

For Petitioner : Mr.S.Siva Ilayaraja

For R.1 to 5 : Mr.R.Anandharaj
Government Advocate

For R6 :Mr.S.Pandiaraj



ORDER

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed praying for the issuance a Writ of Mandamus directing the first respondent to make spot inspection on Survey No.195/4 situated at Vijayarengapuram Village and its vicinity at Sivakasi Taluk of Virudhunagar District to ascertain the demands and pass appropriate order as per the representations of the petitioner dated 20.01.2015 and 01.04.2015.

3. The case of the petitioner is that he possess an agriculture land in S.No.200/4 situated at Vijayarengapuram Village at Sivakasi Taluk of Virudhunagar District and doing farming activities. While so, the sixth respondent purchased the land in S.No.195/4 and applied for quarry license to the first respondent with respect of his land. According to the petitioner, the land purchased by the sixth respondent is a fertile land surrendered by water-bodies and therefore, the petitioner wanted the official respondents to inspect the land in question and hear their objections before giving quarry license to the sixth respondent. In this regard, the petitioner have sent representations to the authorities concerned. Since the said representations did not evoke any response, the petitioner is before this Court.

4. *Per contra*, the learned Government Advocate would submit that the objections of the petitioner sent to the authorities concerned will be considered in accordance with law before granting license to the sixth respondent.

5. Considering the facts and circumstances of the case, without adverting into the merits of the case, the first respondent is directed to consider the representations of the petitioner dated 20.01.2015 and 01.04.2015 on merits and in accordance with law, after affording of opportunity of hearing to the petitioner as well as aggrieved parties and pass appropriate orders, in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order along with the copy of the representations already sent to the respondents for further follow up.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(C)

/True Copy/



To,

1.The District Collector,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi.

3.The Tahsildar,
Tahsildar Office,
Sivakasi.

4.The Assistant Director of Geology and Mines,
District Collector's Office Campus,
Virudhunagar District.

5.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.6/26, Gangai Street,
Madurai Road, Virudhunagar-1,
Virudhunagar District.

+1 cc to MR.R.RAJAMOHAN,ADVOCATE,SR NO.15152

+1 CC TO MR.S.SIVA ILAYARAJA,ADVOCATE,SR NO.15774

+2 CC TO SPECIAL GOVERNMENT PLEADER,SR NOS.13724&15577

SSM

MAS/RR:28.03.2017:3P-10C

W.P (MD) No.5997 of 2015
16.03.2017