



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.16226 of 2017

Thomas Paul

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Industries Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector
Tirunelveli District,
Tirunelveli.
3. The Joint Director of Mines and Minerals,
Tirunelveli Collectorate
Tirunelveli,
Tirunelveli District.

4.S.Kumarasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take necessary action against the fourth respondent herein on the basis of the petitioner's representation dated 14.02.2017.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.B.Pugalendhi, - RR1 to 3
Additional Advocate General,
Assisted by Mr.J.Gunaseelan Muthiah,
Government Advocate
Mr.S.Lingarasu - R4

ORDER

This writ petition has been filed, seeking to direct the respondents 1 to 3 herein to take necessary action against the fourth respondent herein on the basis of the petitioner's representation dated 14.02.2017



2. Heard the learned Counsel appearing on either side.

3. It is the case of the petitioner that he is the original owner of the land in question and the fourth respondent had entered into a lease agreement with the second respondent on 23.12.2002, which already expired on 22.12.2012. The grievance of the petitioner now is that the fourth respondent has been dumping the waste materials in the petitioner's patta land, thereby violating the conditions imposed vide proceedings of the first respondent dated 13.03.2000. The petitioner has submitted a representation dated 14.02.2017 to the first respondent, seeking removal of waste materials from his land. So far, no action was taken by the authorities on the same. Hence, the petitioner has come before this Court with the above said prayer.

4. The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 14.02.2017, is disposed of by the first respondent as per law.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner dated 14.02.2017, and pass appropriate orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as fourth respondent.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
State of Tamil Nadu
Industries Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The District Collector
Tirunelveli District,
Tirunelveli.



3. The Joint Director of Mines and Minerals,
Tirunelveli Collectorate
Tirunelveli, Tirunelveli District.

+1cc to Mr.P.Subbaraj, Advocate Sr.No.75143

+1cc to Mr.S.Lingarasu, Advocate Sr.No.75417

+1cc to Spl.Government Pleader Sr.No.75407,75344

RM/AR

VB/JC/SAR2/08/09/2017/3P/7C

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