



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P (MD) No.18613 of 2017

K.Justin

.. Petitioner

**Vs.**

1. The District Collector,  
Kanyakumari District,  
Kanyakumari.
2. The Assistant Director,  
Mines and Minerals Department,  
Kanyakumari District.
3. The Thasildar,  
Kalkulam Taluk Office,  
Kalkulam, Kanyakumari District.

.. Respondents

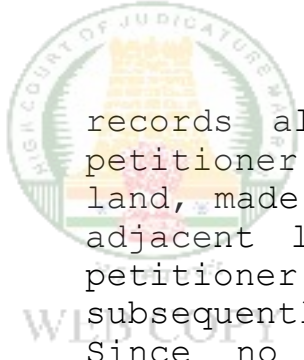
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for issuance a writ of Mandamus, to direct the second respondent to permit the the petitioner to remove the mud wastage and other wastage from the petitioner's land in Kothanallur Village survey No.320/6B to an extent of 6 cents situated at Kalkulam Taluk, Kanyakumari District based on petitioner's representation dated 03.04.2017.

For Petitioner : Mr.G.Gomathi Sankar  
For Respondents : Mr.M.Alaguthevan,  
Special Government Pleader

**ORDER**

This writ petition is filed seeking a writ of Mandamus to direct the second respondent to permit the petitioner to remove the mud and other wastes from the petitioner's land in survey No.320/6B situated at Kalkulam Taluk, Kanyakumari District based on the petitioner's representation dated 03.04.2017.

2.The learned counsel appearing for the petitioner would submit that the petitioner has purchased the land in Survey No.320/6B situated at Kodalnallur Village and has been in possession and enjoyment of the same. The patta and other revenue



records also stand in the name of the petitioner. Since the petitioner has proposed to construct a house in the aforesaid land, made an application along with no objection letters from the adjacent land owners, to the second respondent, to permit the petitioner to remove the mud and other wastes from his land and subsequently he has also paid necessary charges towards the same. Since no action has been taken on the representation, the petitioner has come before this Court.

3.The learned Special government Pleader appearing for the respondents would submit that the application of the petitioner would be considered on merits, within the time stipulated.

4.Considering the limited scope of the relief sought, this Court, without going into the merits of the case, directs the respondents to consider the application of the petitioner, dated 03.04.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above directions, the writ petition is disposed of. No Cost.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

**To**

1. The District Collector,  
Kanyakumari District,  
Kanyakumari.
2. The Assistant Director,  
Mines and Minerals Department,  
Kanyakumari District.
3. The Thasildar,  
Kalkulam Taluk Office,  
Kalkulam,  
Kanyakumari District.

+ 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 81761

DSK

TE/JC/SAR-I : 20/10/2017 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN  
W.P (MD) No.18613 of 2017  
06.10.2017