



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)No.19731 of 2017

C.Durairaj Thevar

... Petitioner

Vs.

The Thasildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus by directing the respondent to give necessary permission and permitting the petitioner to take the sand from his patta land comprised in old survey no.3, new survey no.3/2 for extend of 15 1/2 acres situated at Neyveli village, Valakkuruchi Taluk, Pudukottai District in order to form fishing pond and shifted the sand to his another patta land comprised in survey No.115/4B and 115/5B3 having patta No.1291 situated in Arasamalai Village at Pudukottai District for agriculture purpose within the time stipulated by this court.

For Petitioner

: Mr.K.Sudalaiyandi

For Respondent

: Mr.M.Alagathevan

Special Government Pleader

ORDER

The writ petition has been filed seeking to direct the respondent to give necessary permission to transport sand from his own land to near by agricultural field within the time stipulated by this court.

2.The learned counsel for the petitioner would submit that the petitioner owns lands in new survey No.3/2 situated at Neyveli Village, Valakkuruchi Taluk, Pudukottai and in survey No.115/4B and 115/5B3 situated at Arasamalai Village, Ponnamaravathi Taluk, Pudukottai District. The petitioner has proposed to have fish ponds in the first mentioned land and has also proposed to transport the sand derives out of the ponds to his another land for agricultural purposes. So the petitioner sent a representation on 18.09.2017, seeking permission to the respondent, who in turn by proceedings in Na.Ka.No.3049/2017/A8, dated 25.09.2017, only informed that the request of the petitioner would be considered as per the Mining Rules. However, the respondent has not passed any orders on his representation till date. Aggrieved over the



inaction on the part of the respondent, the petitioner is before this Court.

3.The learned Special Government Pleader appearing for the respondent would submit that the representation filed by the petitioner would be considered on merits within the time stipulated by this Court.

4.Considering the limited scope of the prayer sought in this petition, this Court, without going into merits of the case, directs the respondent to consider the representation of the petitioner dated 18.09.2017, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Thasildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

+ 2 CC TO MR.K.Sudalaiyandi, ADVOCATE IN SR No.83688,83972
dsk
VB/RSK/SAR-2/01.11.2017/2P/4C

**ORDER MADE IN
W.P(MD)No.19731 of 2017
26.10.2017**