



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.614 of 2017
and
W.M.P(MD)No.478 of 2017

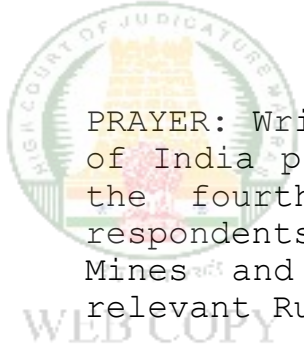
Francis

.. Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Assistant Director,
Geology & Mining Department,
Kanyakumari District,
Nagercoil.
- 3.The Assistant Director,
Geology & Mining Department,
Tirunelveli District,
Tirunelveli.
- 4.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay Post,
Kanyakumari District.
- 5.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.
- 6.M.J.D.Construction & Engineering Contractors
Private Limited,
M.J.Bhavan, Kannummamoodu,
Palukal Post,
Kanyakumari District,
Rep. By Managing Director,
Janaka Jebangelin Devadhas.
- 7.Janaka Jebangelin Devahas
- 8.Jebamani
- 9.Manikandan

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth & fifth respondents to take legal action against respondents 6 to 9 for their illegal acts in accordance with the Mines and Minerals (Development and Regulation) Act 1957 and relevant Rules.

For Petitioner : Mr.Hariprasad

For RR 1 to 5 : Mr.M.Govindan,
Special Government Pleader.

For RR 6 to 8 : Mr.T.Lajapathi Roy
for Mr.C.Bharathi

For R - 9 : Mr.T.Rajesh

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to give necessary direction to the fourth and fifth respondents to take legal action against the respondents 6 to 9 for the alleged illegal acts done by them as per the Mines and Minerals (Development and Regulation) Act 1957, by way of issuing a writ of Mandamus.

2.The learned Special Government Pleader appearing for the respondents 1 to 5 has contended to the effect that on the basis of the complaint, an enquiry has been initiated by the fourth respondent viz., the Revenue Divisional Officer, Kanyakumari District against the respondents 6 to 9.

3.The learned counsel appearing for the respondents 6 to 8 has contended to the effect that as per the order passed by the Green Tribunal, the unit of the sixth respondent has already been closed.

4.On the basis of the divergent contentions putforth on either side, it is discernible to the effect that already a complaint has been received by the first respondent against the respondents 6 to 9 and he directed the fourth respondent to initiate enquiry and accordingly, the fourth respondent has been conducting enquiry.

5.Considering the fact that the unit of the sixth respondent has already been closed and proper enquiry is pending on the file of the fourth respondent, this Court is of the view that the relief sought in the Writ Petition cannot be granted.



6. With the above observation, this Writ Petition is disposed of. No costs. However, the fourth respondent is directed to expedite the concerned enquiry as early as possible. Consequently, connected Miscellaneous Petition is closed.

SD/-

ASSISTANT REGISTRAR (CS-II)

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SUB ASSISTANT REGISTRAR

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Assistant Director,
Geology & Mining Department,
Kanyakumari District,
Nagercoil.
3. The Assistant Director,
Geology & Mining Department,
Tirunelveli District,
Tirunelveli.
4. The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay Post,
Kanyakumari District.
5. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

+1 CC TO MR.C.BHARATHI,ADVOCATE,SR NO.17162
+1 CC TO MR.HARI PRASAD,ADVOCATE,SR NO.16782
+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.17089

ps

MAS/SV-MMS/SAR3:27.03.2017:3P-9C

W.P (MD) No.614 of 2017
22.03.2017