

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 05.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.8596 of 2017**

J.Rajkumar

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Executive Engineer,
Public Works Department (WRO),
Thamirabarani Basin,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to give necessary permission to the petitioner for removal of gravel from Kadambakulam situated at S.No.1104/1 of Thenthiruperai Village, Tiruchendur Taluk, Thoothukudi District based on petitioner's representation dated 15.03.2017.

For Petitioner

... Mr.G.Thalaimutharasu

For Respondents 1 & 2

... Mr.J.Gunaseelan Muthiah
Government Advocate

* * * * *

ORDER

This writ petition has been filed by the petitioner to issue a writ of Mandamus directing the respondents herein to give necessary permission to the petitioner for removal of gravel from Kadambakulam situated at S.No.1104/1 of Thenthiruperai Village, Tiruchendur Taluk, Thoothukudi District based on petitioner's representation dated 15.03.2017.

2. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate appearing for respondents.

3. The facts of the case is that pursuant to the <https://hcservices.ecourts.gov.in/hcservices/> de sitting work to be undertaken, the petitioner made a representation dated 15.03.2017, for removal of gravel, which is



kept pending, without passing any orders by the first respondent. According to the learned counsel for the petitioner, earlier the concerned Thasildar filed a field inspection report dated 13.09.2011, who in turn, recommended the claim of the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to direct the 1st respondent to consider the said representation dated 15.03.2017 in the light of the field inspection report submitted by the Thasildar on 13.09.2011 and pass appropriate orders on merits, after due notice to the petitioner within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

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

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Executive Engineer,
Public Works Department (WRO),
Thamirabarani Basin,
Palayamkottai,
Tirunelveli.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 64033.

+1 CC to M/s.A.S.VAIGUNTH, Advocate, SR No. 63585

GK/SMN

PSM/JC/SAR1/13.07.2017/2P/5C

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