

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 24.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.7873 of 2016****and****W.M.P(MD)Nos.6698, 6482 to 6483 of 2016**

P.Mahalingam

... Petitioner

Vs.

1. The District Collector,
Dindugal District,
Dindugal.
2. The Assistant Director,
Mines and Mineral Department,
Collectorate Complex,
Dindugal, Dindugal District.
3. The Revenue Divisional Officer,
Palani Divisional Office,
Dindugal District, Dindugal.
4. The Tahsildar,
Palani Taluk Office,
Dindugal District,
Dindugal.
5. The Executive Engineer,
Public Works Department,
Nankanjiyaru, Irrigation Division,
Palani, Dindugal District.

6.Selvam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to prevent the sixth respondent herein from illegal mining Ayyampuli Public Tank and Palaru, Porunthalaru dam in survey No.788/2A which is situated at Ayyampuli Village, Palani Taluk, Dindigul District and consequently directing the respondents 1 to 5 to prosecute the sixth respondent under criminal laws within the time limit.



For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.M.Govindan, Spl.Govt.Pleader

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O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner alleges that sixth respondent herein is indulging in illegal mining in Ayyampuli Public Tank and Palaru, Porunthalaru dam in survey No.788/2A situated at Ayyampuli Village, Palani Taluk, Dindigul District. He has submitted several representations in this regard.

2.The first respondent herein has however filed a counter affidavit stating that there is no such illegal mining as alleged by the writ petitioner. But, it is seen that the affidavit of the first respondent is based on the report of the subordinate officials. We therefore direct the first respondent to enquire afresh on the writ petitioner's representation dated 29.03.2016. The first respondent shall dispose of the said representation afresh by uninfluenced the stand taken in the counter affidavit filed before this Court and pass an order in accordance with law, within a period of two months from the date of receipt of a copy of this order.

4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindugal District, Dindugal.
2. The Assistant Director, Mines and Mineral Department,
Collectorate Complex, Dindugal, Dindugal District.
3. The Revenue Divisional Officer,
Palani Divisional Office, Dindugal District, Dindugal.

<https://hcservices.ecourts.gov.in/hcservices/>
4. The Insitituar, Palani Taluk Office,
Dindugal District, Dindugal.



5. The Executive Engineer, Public Works Department,
Nankanjiyaru, Irrigation Division, Palani,
Dindugal District.

+1 cc to Mr.A.D.Ganeshamoorthi , Advocate in SR.No. 74854
+1 cc to The Special Government Pleader in SR.No.75085

skm/Arul
AE/KK/SAR2/18.09.2017/3P/8C

**W.P(MD)No.7873 of 2016
and
W.M.P(MD)No.6698, 6482 to 6483 of 2016
24.08.2017**