



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A. (MD) No.887 of 2013
and
M.P. (MD) No. 2 of 2013**

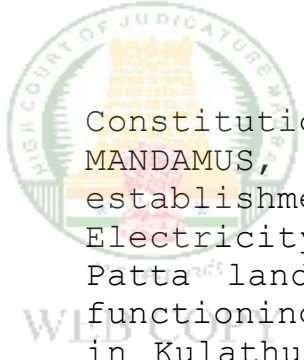
G.V.Kumar : Appellant/Petitioner
Vs.

1. The District Collector,
Dindigul District,
Dindigul.
 2. The Revenue Divisional Officer,
Palani, Dindigul District.
 3. The Tahsildar,
Vedasandur Taluk,
Dindigul District.
 4. The Assistant Director of Geology and Mining,
Dindigul.
 5. The Commissioner,
Vadamadurai Panchayat Union,
Vadamadurai,
Dindigul District.
 6. The Assistant Engineer,
TANGEDCO (Tamil Nadu Electricity Board),
Kulathur, Vedasandur Taluk,
Dindigul District.
 7. The Panchayat President,
Kulathur Village Panchayat,
Vedasandur Taluk,
Dindigul District.
- : Respondents/Respondents.

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act,
praying this Court to set aside the order made in W.P(MD) No.363 of
2012, dated 05.09.2012.

<https://hcservices.ecourts.gov.in/hcservices/>
Prayer in W.P(MD). 363/ 2012 :

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents herein to prevent the establishment of habitation and housing layout and from giving Electricity connection in Government Poramboke land and private Patta land situated within 300 metres from the stone quarries functioning in Survey No. 154/1 (0.17.5 ha) and 148/1 (2.50.5 ha) in Kulathur Village, Vendasandur Taluk, Dindigul District within a time limit to be fixed by this Honourable Court.

For Appellant : Mr.M.Ajmal Khan
Senior Counsel
for M/s.K.Sundaravel

For Respondent Nos.1 to 5 : Mr.M.Murugan

For Respondents No. : No appearance
6 and 7

JUDGMENT

[Judgment of the Court was made by **M.M.SUNDRESH, J.**]

The appellant is the Writ Petitioner. The Writ Petition has been filed by the appellant, being a licensee of a quarry. Seeking a direction to prevent establishment of habitation and housing lay -out and from giving electricity connection in Government Poramboke land and private patta land situated within 300 metres from the above said quarry.

2.The learned Single Judge dismissed the Writ Petition by holding that in view of the inspection report filed by the District Collector and a private person being the owner of the property, such relief cannot be granted.

3.We do not find any error in the order passed by the respondents and the original owner cannot be prevented from putting up construction and it is rather doubtful as to how licence has been given to the Petitioner, when construction has already been there.

4.Hence the Writ Appeal stands dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1. The District Collector,
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Dindigul.

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7. The Panchayat President,
Kulathur Village Panchayat,
Vedasandur Taluk,
Dindigul District.

+1 cc to The Special Government Pleader in SR.No.72913

vsn

AE/JC/SAR3/29.08.2017/3P/9C

JUDGMENT MADE IN
W.A. (MD) No. 887 of 2013
and
M.P. (MD) No. 2 of 2013
16.08.2017