

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.23936 of 2018

K.Kalaiyarasi

... Petitioner

vs.

1.Tahsildar,
Paramathi Velur,
NH 44, Padamudi Palayam,
Namakkal - 638 182.

2.Revenue Divisional Officer,
SH 95, Thillaipuram,
Namakkal - 637 001.

3.District Collector,
Tiruchengode - Namakkal -
Trichy Road,
Namakkal - 637 003.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent herein to consider the representation dated 28.06.2018 and to pass such further orders.

For Petitioner : Mr.Deepan Uday

For Respondents : Mr.M.Karythikeyan, AGP

O R D E R

This Writ Petition is filed seeking to direct the 1st Respondent herein to consider the representation dated 28.06.2018.

2. The learned counsel for the petitioner would submit that the petitioner participated in the auction for sale of sand on 05.09.2017, as directed by the learned Judicial Magistrate, Paramathi. The petitioner was the successful bidder for 15 units of sand. He deposited the entire sale amount for the sand allotted to him before the Indian Bank on 15.11.2017 and 29.11.2017. The deposit slip was also handed over to the

Tahsildar, Paramathi. In spite of several requests, the petitioner was not permitted to draw sand from the banks of river Cauvery. Therefore, he has filed the present writ petition before this Court, to consider his representation dated 28.06.2018.

3. Mr.M.Karthikeyan, learned Additional Government Pleader would submit that the competency of the Deputy Tahsildar auctioning the sand itself is disputed, on the ground of jurisdiction. Therefore, now the issue is pending before the District Collector, Namakkal District and therefore no orders have been passed on the representation of the petitioner dated 28.06.2018. As directed by this Court on 15.11.2018, the Deputy Tahsildar is present before this Court, with the records. On her instructions, learned Additional Government Pleader would submit that the petitioner has appeared for enquiry before the Revenue Divisional Officer. Thereafter, the matter is pending before the District Collector for final orders.

4. From the above said submission, it is seen that the petitioner was a successful bidder in the auction conducted on 05.09.2017 and he has deposited the auction amount in the Indian Bank. But, so far he has not received any communication from the respondents on his representation 28.06.2018. Considering the above submissions of the learned counsel for the petitioner and the learned Additional Government Pleader, this Court is inclined to pass the following orders :-

1. The petitioner's representation dated 28.06.2018 has to be considered by the District Collector, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

2. The final orders passed by the District Collector, on the competency of the Deputy Tahsildar auctioning the sand, shall be communicated to the petitioner, immediately.

5. The Writ Petition is disposed of, on the above terms. No order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. Tahsildar,
Paramathi Velur,
NH 44, Padamudi Palayam,
Namakkal - 638 182.
 2. Revenue Divisional Officer,
SH 95, Thillaipuram,
Namakkal - 637 001.
 3. District Collector,
Tiruchengode - Namakkal - Trichy Road,
Namakkal - 637 003.
- +1 cc to M/s.Deepan Uday, Advocate, SR No.79366
- +1 cc to Government Pleader, SR No.80432

Writ Petition No.23936 of 2018

rr(co)
ssm (18/12/2018)