



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **05.02.2018**

CORAM:

THE HONOURABLE MR. JUSTICE **M. SATHYANARAYANAN**
and

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P (MD) No. 2245 of 2018

and

W.M.P (MD) No. 2456 of 2018

C. Subramanian

: Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thoothukudi District.
2. The Assistant Director of Mines & Geology,
Thoothukudi.
3. The Block Development Officer,
(Village Panchayat),
Srivaikundam Panchayat Union,
Srivaikundam, Thoothukudi District.

4. Sabapathi

: 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 respondents 1 to 3 herein to take necessary action against the fourth respondent, based on the petitioner's representation dated 08.01.2018, within the time stipulated by this Court.

For Petitioner : Mr. C. Gangai Amaran

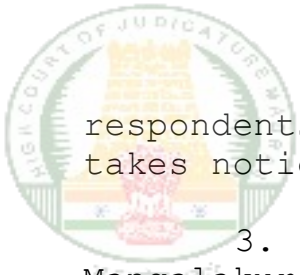
For Respondents 1&2 : Mr. A. Muthukaruppan,
Additional Government Pleader.

For Respondent No. 3 : Mrs. J. Padmavathidevi

ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

By consent, this Writ Petition is taken up for final disposal.



respondents and Mrs.J.Padmavathidevi, learned Standing Counsel, takes notice for the third respondent.

3. The petitioner claims to be a resident of Mangalakurichi, Perungulam Post, Srivaikundam Taluk, Thoothukudi District and came forward to file this Writ Petition styled as a "Public Interest Litigation" stating, among other things, that the fourth respondent is quarrying sand from the river bed of Tamirabharani for the purpose of manufacturing bricks and in the process, also sought to obstruct the pathway, which is being used by the public to reach the cremation ground. It is the specific case of the petitioner that the fourth respondent, without any permission or authorisation, is quarrying sand in the Tamirabharani river bed for the purpose of using the same for manufacturing bricks and in this regard, he has submitted a representation dated 08.01.2018 to the first respondent and also lodged a complaint on the file of Eral Police Station. The complaint given to the first respondent has been forwarded to the second respondent for appropriate action, vide communication of the Collectorate of the first respondent and despite a lapse of nearly one month, no action whatsoever has been taken to abate the said nuisance and hence, came forward to file this Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first and second respondents and the learned Standing Counsel appearing for the third respondent.

5. This Court, taking into consideration the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, directs the second and third respondents, after putting the fourth respondent on notice, to cause inspection of the land/site in question, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the same, the second and third respondents shall take appropriate action in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the fourth respondent.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True copy/



To

1. The District Collector,
Office of the District Collector,
Thoothukudi District.

2. The Assistant Director of Mines & Geology,
Thoothukudi.

3. The Block Development Officer,
(Village Panchayat),
Srivaikundam Panchayat Union,
Srivaikundam, Thoothukudi District.

+1cc to Mr.C.Gangai Amaran, Advocate Sr.No.46070

SML

VB/KKR/SAR4/19/02/2018/3P/5C

**Order made in
W.P (MD) No.2245 of 2018
05.02.2018**