



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8736 of 2018

I.Kulanthaiyammal

... Petitioner

vs.

1. The District Collector,
Office of the Collectorate,
Ramanathapuram,
Ramanathapuram District.

2. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 10.04.2018 for taking sand from private patta lands after getting approval from the mining authorities for completing the works allotted by the second respondent with in the time fixed by this court.

For Petitioner :Mr.D.Senthil

For Respondents :Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

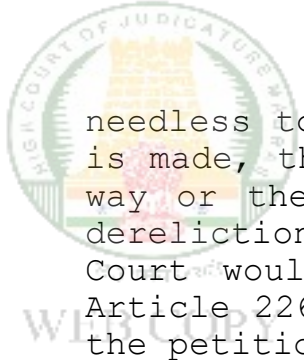
O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 10.04.2018 seeking to take sand from private patta lands after getting approval from the mining authorities for completing the works allotted by the second respondent , has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is



needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 10.04.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Office of the Collectorate,
Ramanathapuram,
Ramanathapuram District.
2. The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

+1CC to Mr.D.Senthil, Advocate, SR.No. 62390

+1CC to the Special Government Pleader SR.No.62722

W.P. (MD) No.8736 of 2018
20.04.2018

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JM/RSK/SAR 1/04.05.2018/2P/5C