

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.9605 of 2018**

P.Andavar

... Petitioner

vs.

1.The District Collector
Theni District, Theni

2.The Assistant Director
of Mines and Minerals
II Floor, District Collectors Building
Theni District

3.The Revenue Divisional Officer
Uthamapalayam, Theni District

4.The Tahsildar
Bodi Taluk, Bodinayaknoor

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant permission for the removal of the Earth and Turf sand in S.No.118/2B, S.No.119/2, S.No.118/2A, 119/3, situated at Maniampatti, Rasingapuram, Bodi Taluk, Theni District, based on the petitioner's representation, dated 02.08.2017.

For Petitioner : Mr.N.Ranjith
For Respondents : Mr.S.Nagarajan
Special Government Pleader

O R D E R

Mr.S.Nagarajan, learned Special 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 02.08.2017 seeking to grant permission for the removal of the Earth and Turf Sand in the land comprised in Survey Nos.118/2B, 119/2, 118/2A, 119/3 of Maniampatti, Rasingapuram, Bodi Taluk, Theni District, 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 second respondent to consider the petitioner's representation dated 02.08.2017 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 matter.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Theni District, Theni.

2.The Assistant Director of Mines and Minerals,
II Floor, District Collectors Building,
Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

4.The Tahsildar,
Bodi Taluk, Bodinayaknoor.

+1cc to Mr.R.SARAVANAN, Advocate Sr.No. 63661

KRK

VB/RSK/SAR2/18/05/2018/2P/6C

W.P. (MD) No.9605 of 2018
26.04.2018