



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14807 of 2018

and

W.M.P (MD) No.13362 of 2018

V.Manikandasamy

... Petitioner

vs.

1. The District Collector
Theni District, Theni.

2. The Assistant Director
Geology & Mines Department
Theni District.

3. The Tahsildar
Theni District, Theni

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to grant necessary permission based on the representation of the petitioner dated 19.03.2018 to remove the sand dust deposited on the land belonging to the petitioner in 6.32 acres of land in survey no.105/1, 105/2, 105/3, 105/6,105/7 and 105/8, Rasingapuram village, Bodinayakannoor Taluk, Theni District bearing patta No. 10507, 10457, 987,10457,1709 and 10457

For Petitioner : Mrs. R.Maheswari

For Respondents : Mr.V.Anand
Government Advocate

O R D E R

Mr.V.Anand, learned Government Advocate, 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 19.03.2018 seeking to remove the sand dust



deposited on the land has not been considered by the first respondent 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 19.03.2018 on its own merits and take further action in accordance with law, within a period of four 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 any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector
Theni District, Theni.
2. The Assistant Director
Geology & Mines Department
Theni District.
3. The Tahsildar
Theni District, Theni.

+ 1 cc TO Mrs.R.Maheswari , Advocate in SR No. 72029

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AE/RP/SAR2/16.07.2018/2P/5C

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