



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.14858 of 2018

N.Rajesh

... Petitioner

vs.

1.The District Collector
Theni, Theni District

2.The Assistant Director
(Mines and Minerals)
Theni, Theni 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 28.06.2018, within a stipulated time.

For Petitioner : Mr.C.Prithviraj
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

Mr.N.Shanmugaselvam, 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 28.06.2018 seeking permission to carry on quarry operations and to remove the quarry sand from the subject land, 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 28.06.2018 on its own merits and take further action in accordance with law, within a period of eight 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 directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS-I)

To:

1.The District Collector,
Theni, Theni District.

2.The Assistant Director,
(Mines and Minerals),
Theni, Theni District.

+1cc to Mr.C.Prithviraj, Advocate, SR.No.72474.

W.P.(MD) No.14858 of 2018
11.07.2018

KRK

RAM/SKN RSK/SAR 1/23.07.2018/2P/4C