



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.15337 of 2018

and

W.M.P (MD) No.13834 of 2018

Muniyandi

... Petitioner

Vs.

1. The District Collector
Sivagangai District, Sivagangai.

2. The Tahsildhar
Sivagangai District, Sivagangai.

3. The Assistant Director of Mines
Mines and Minerals Department
Sivagangai.

4. Karumalai Kathiresan

5. Lakshmi

6. V.P.S.Subramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus forbearing the respondents 1 to 3 from allowing the respondents 4 to 6 from illegally removing and transporting the gravel sand in the lands of the respondents 4 to 6 in S.No.15/2,3/10,13/1,13/2,19/2,10/7,10/8A and 10/8B more fully oorani situated at Vembathur Group, Sitthalloor Village, Sivagangai Taluk and District and further direct the 1 to 3 respondents to take action against the respondents 4 to 6 for their illegal quarrying operation .

For Petitioner : Mr.C.Jeganathan for Veera Associates

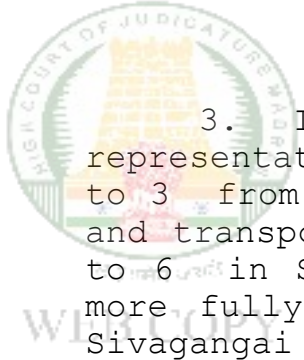
For Respondents : Mr.J.Gunaseelan Muthiah

No.1 to 3 : Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents. Notice to the respondents 4 to 6 is dispensed with in view of nature of the order to be passed by this Court.

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 19.06.2018 seeking to forbear the respondents 1 to 3 from allowing the respondents 4 to 6 from illegally removing and transporting the gravel sand in the lands of the respondents 4 to 6 in S.No.15/2, 3/10, 13/1, 13/2, 19/2, 10/7, 10/8A and 10/8B more fully oorani situated at Vembathur Group, Sitthalloor Village, Sivagangai Taluk and District and further direct the 1 to 3 respondents to take action against the respondents 4 to 6 for their illegal quarrying operation, 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 19.06.2018 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 respondents 4 to 6 and to any other persons who may be interested in the subject matter. It would be out of place to point out that if the respondents 4 to 6 do not have a valid lease or license to remove the gravel from their land in Survey.Nos.15/2,3/10,13/1,13/2,19/2,10/7,10/8A and 10/8B Sitthalloor Village, Sivagangai Taluk and District, any action of removing such gravel would be illegal and it is open to the respondent to prevent them from such removal pending consideration of the representation.

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

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To



2. The Tahsildhar
Sivagangai District, Sivagangai.

3. The Assistant Director of Mines
Mines and Minerals Department
Sivagangai.

+1CC to Mr. Veera Associates, Advocate, SR.No. 73327
+1CC to the Special Government Pleader SR.No. 73599

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