



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15824 of 2018

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S.Vincent

... Petitioner

vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Assistant Director,
Department of Geology & Mining,
Tirunelveli,
Tirunelveli District.

3.The Executive Engineer (PWD),
Citraru Irrigation Division,
Tenkasi,
Tirunelveli District.

4.The Special Deputy Tahsildar(Mines),
Tirunelveli,
Tirunelveli District.

5.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli 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 dispose of the petitioners application dated 29.04.2014 regarding to take soil for the purpose of brick kiln business in respect of the government land in SF.No.37, Manjalodaikulam at Sivasayalam village, Ambasamuthiram Taluk, Tirunelveli District, within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

For Respondents : Mr.N.Shanmuga Selvam,
Additional Government Pleader

O R D E R

Mr.N.Shanmuga Selvam, 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 application dated 29.04.2014 seeking to take soil for the purpose of brick kiln business, 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 application dated 29.04.2014, 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. The petitioner is directed to submit a copy of the application to the first respondent herein. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

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

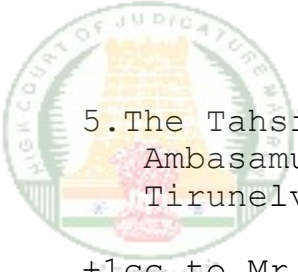
Sd/
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar (CS-III)

To:

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Assistant Director,
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Tirunelveli,
Tirunelveli District.
3. The Executive Engineer (PWD),
Cittraru Irrigation Division,
Tenkasi,
Tirunelveli District.
4. The Special Deputy Tahsildar (Mines),
Tirunelveli,
Tirunelveli District.



5.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

+1cc to Mr.S.T.Sasidharan Tamilkani, Advocate, SR.No. 74157

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