



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.21724 of 2017

and

W.M.P. (MD)No.18029 of 2017

K.Pauldurai : Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Assistant Director,
Geology & Mining, Collectorate Campus,
Tirunelveli.

3.The Joint Director (Town Panchayat),
N.G.O. Colony, Palayamkottai,
Tirunelveli.

4.The Executive Engineer (PWD),
Chitharu Basin Division,
Tenkasi, Tirunelveli District.

5.The Executive Officer,
Keelapavoor Town Panchayat,
Tirunelveli District.

6.K.R.Pauldurai. : Respondents
(R6 is impleaded vide order dated 07/02/18 in WMP(MD)1276/18)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the first respondent by its proceedings in Na.Ka.No.377/2017/P3 dated 12.06.2017 and consequently direct the first respondent to pass appropriate order and considering the petitioner's representation dated 29.12.2016.

For Petitioner
For Respondents 1 to 5

: Mr.V.Sasi Kumar
: Mr.A.K.Baskarapandian
Special Government Pleader



ORDER

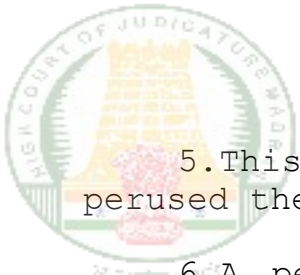
[Order of the Court was made by M.SATHYANARAYANAN, J.]

The present writ petition is styled as a "Public Interest Litigation" by a resident of Nainar Koil Street, Keelapavoor village, Tirunelveli District, alleging that as per the proceedings of the fifth respondent dated 22.07.2016, in Na.Ka.No.93/2016, licence was granted to one P.Venkatesh, to fill up the sand in 6th Ward of Keelapavoor Town Panchayat Ground on contract basis.

2.The grievance expressed by the petitioner is that the fifth respondent granted permission to take only 200 load Tractor sand from the Periyakulam Kanmoi of Keelapavoor Town Panchayat, but the said P.Venkatesh has indulged in illegal quarrying and that apart, he has put the removed sand right in front of the family deity temple of the petitioner and in this regard, on an earlier occasion filed W.P.(MD)No.720 of 2017, praying for issuance of Writ of Mandamus, to direct the respondents 1 to 4 therein to take action against the fifth respondent and others based on his representation dated 29.12.2016 and it was allowed in part and as per the said order, the District Collector of Tirunelveli District was directed to look into the representation of the petitioner dated 29.12.2016, and give a disposal in accordance with law within a stipulated time and despite such a positive order, no action has been taken and therefore, the petitioner has also filed CONT P(MD)No.944 of 2017, alleging willful disobedience and violation of the said order and this Court taking note of the proceedings of the Collector of Tirunelveli District dated 12.06.2017, has closed the Contempt Petition and granted liberty to the petitioner to initiate appropriate proceedings, if he is still aggrieved and therefore, came forward to file this writ petition.

3.The primordial submission of the learned counsel appearing for the petitioner is that the person in whose favour licence was granted has quarried excess sand and he has also put it right in front of the family deity temple and though, the said fact has been brought to the knowledge of the respondents in the form of earlier litigations as well as representations, no action is being taken and therefore, the petitioner left with no other opportunity only, has approached this Court for redressal of his grievance.

4.Per contra, Mr.A.K.Baskarapandian, learned Special Government pleader appearing for the official respondents has invited the attention of this Court to the files maintained by the local body and would submit that one P.Venkatesh was granted licence to remove the sand from the Periyakulam Kanmoi till 31.07.2016 for the purpose of filling up the 6th Ward of Keelapavoor Town Panchayat Ground to avoid spreading of dengue and other deceases and he sought for extension of time for four days and it was also granted and he successfully completed the work and therefore, nothing remains for further adjudication in this matter and prays for dismissal of this writ petition.



5.This Court has considered the rival submissions and also perused the materials placed before it.

6.A perusal of the files maintained by the fifth respondent would disclose that one P.Venkatesh was granted licence to quarry the earth till 31.07.2016 and thereafter, on his petition, he was granted time till 15.08.2016 and he has also completed the work. It is also brought to the knowledge of this Court that as on today, no quarrying is going on. In the light of the said submission, nothing remains for further adjudication in this writ petition. If the petitioner come across any infraction relating to the illegal quarrying of earth etc., it is always open to him to bring to the knowledge of the concerned authorities in the form of representations for redressal of his grievance.

7.In the result, the writ petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

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Keelapavoor Town Panchayat,
Tirunelveli District.

+1cc to Mr.V.SASIKUMAR, Advocate, SR.No.54719

+1cc to M/s.Special Government Pleader,SR.No. 54917

W.P(MD)No.21724 of 2017
12.03.2018

MR

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RR/SN RSK/26.03.2018/SAR-2/3P-8C