

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.19122 of 2018

C.Andiappan

.. Petitioner

Vs.

- 1.The District Collector,
Thiruvarur District.
- 2.The Superintendent of Police,
Thiruvarur.
- 3.The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

4.Ramu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the 4th respondent and others for illegally quarrying sand from Vennaru River by considering the representation of the petitioner herein dated 18.06.2018 and consequently, directing the 3rd respondent to restrain the 4th respondent from taking sand unlawfully from Vennaru River, Thiruvarur District.

For Petitioner : Mr.R.Nalliyappan

For R1 to R3 : Mr.Akhil Akbarali,
Govt. Advocate

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Alleging that one Mr.Ramu/fourth respondent herein, is illegally transporting sand from Vennaru river, the petitioner stated to have sent representation to respondents 1 to 3. Petitioner has further contended that no action has been taken on the representation and thus there is a failure of duty. He has filed instant writ petition for a Writ of Mandamus, directing the respondents 1 to 3 to take

appropriate action against the 4th respondent and others, for illegally quarrying sand from Vennaru River, by considering the representation of the petitioner herein dated 18.06.2018 and consequently, directing the 3rd respondent to restrain the 4th respondent from taking sand unlawfully from Vennaru River, Thiruvarur District.

2. Responding to the prayer and notice issued by this Court, Inspector of Police, Needamangalam Police Station, Thiruvarur District/third respondent herein, has filed a counter affidavit, stating that two cases have been registered against the fourth respondent on 14.02.2018 and 12.10.2018 respectively in Crime No.48/18 and 305/18 under Sections 379 IPC and 21(1) of the Mines and Mineral Development and Regulation Act, 1957.

3. The Inspector of Police, Needamangalam Police Station, Thiruvarur District/third respondent herein, has further stated that the abovesaid two cases are pending investigation. The fourth respondent has been released on Anticipatory Bail on 21.02.2018 in Crime No.48/2018 and in Crime No.305/18, the fourth respondent has been secured. At the time of filing of the counter affidavit dated 16.11.2018, he was under judicial custody.

4. The Inspector of Police, Needamangalam Police Station, Thiruvarur District/third respondent herein, has denied the contention that the vehicle involved in transporting of sand, was caught and handed over to the respondents.

5. Thus from the counter affidavit dated 16.11.2018, we could deduce that action has been taken on the representation of the writ petitioner. No further directions, are necessary.

6. Placing on record the above, instant writ petition is disposed of. No Costs.

Sd/--

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvarur District.

2.The Superintendent of Police,
Thiruvarur.

3.The Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 10558
+1cc to Mr.R.Nalliyappan , Advocate SR.No. 10132

W.P.No.19122 of 2018

A.SK(07/03/2019)



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