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THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

AND

THE HONOURABLE MRS. JUSTICE R. THARANI

Writ Petition (MD) No. 3905 of 2019

and

W.M.P. (MD) No. 3037 of 2019

K. Valsalakumari

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil
Kanyakumari.

2. The Block Development Officer,
Killiyoor Panchayath Union
Tholayavattam Post, Killiyoor,
Kanyakumari District.

3. Joyi Selvakumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the 2nd respondent to demolish and remove the illegal superstructure made by the 3rd respondent in the safe zone area of 500 meters of the petitioner's quarry and crusher situated in S.F.No. 409/4A5A(P), 409/4A5C and 409/4A5D in Nattalam Village Vilavankodu Taluk Kanyakumari District.

For Petitioner

: Mr. R. S. Sivaram

For Respondents

: Mr. V. R. Shanmuganathan

Special Government Pleader for R-1

Mr. P. Sethuraman for R-2

No appearance for R-3

ORDER

[Order of the Court was made by **K. KALYANASUNDARAM, J**]

Heard Mr. R. Sivaraman, learned counsel for the petitioner,
<https://hcservices.ecourts.gov.in/hcservices/>
Mr. V. R. Shanmuganathan, learned Special Government Pleader for the
first respondent and Mr. P. Sethuraman, learned counsel for the second



respondent. Though private notice has been sent to the third respondent, it has returned with an endorsement as 'insufficient address'. Considering the prayer sought for in the writ petition, notice to the third respondent is dispensed with.

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2.The case of the petitioner is that he was granted quarry licence by the first respondent on 29.11.2015 and the licence period ends in 2020. As per the licence, he is running the quarrying and crusher business, by following the rules and regulations.

3.The petitioner would state that the third respondent has his land adjacent to his quarry and without obtaining permission from the second respondent, he started construction of a residential house within the prohibited area of 500 metres. Hence, he gave a representation to the respondents. Since there was no response, the present writ petition has been filed.

4.Despite providing an opportunity, the learned Standing Counsel for the second respondent, expressed his inability to get instructions from the second respondent.

5.Considering the limited scope of the prayer sought for in the writ petition and the representations of the learned counsel on either side, this Court, without going into the merits of the matter, directs both the respondents 1 & 2 to take appropriate action on the representation of the petitioner, dated 24.10.2018 on merits and in accordance with law, after providing opportunity to all the necessary parties. The entire exercise shall be completed within a period of three month from the date of receipt of a copy of this order.

6.With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD

ASSISTANT REGISTRAR (P AND A)

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SUB ASSISTANT REGISTRAR (CS)

vs



To

1. The District Collector,
Kanyakumari District at Nagercoil
Kanyakumari.

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2. The Block Development Officer,
Killiyoor Panchayath Union
Tholayavattam Post, Killiyoor,
Kanyakumari District.

1CC TO MR. R.S. SIVARAM, ADVOCATE SR 57405
1CC TO THE SPL GOVT PLEADER SR 56929

KK
9-4-2019
3P 5C

Writ Petition (MD) No. 3905 of 2019