



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2019**

WEB COPY

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No.14416 of 2019
and W.M.P.(MD)No.10854 of 2019

Rajendran

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director,
Mines and Mineral Department,
Madurai District, Madurai.

3.The Tahsildar,
Periyur Taluk, Peraiyur,
Madurai.

4.Mariyappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to direct the first respondent to take appropriate action against the 2 to 4 respondent for their illegal mining act by misusing and viloating the order of the first respondent vide his proceedings in Na.Ka.No.89 of 0219 mines dated 21.02.2019, subsequently direct the respondents to refill the land situated in S.F.Nos.386/2,3,4,5B,5,7,8B, 388/4,5 and 389/1,2,4,5 at Athipatti, Saptur Village, Madurai District within time frame fixed by this Court on the basis of the petitioner's representation dated 18.05.2019.

For Petitioner : Mr.T.Vadivelan

For R1 to R3 : Mr.S.Angappan
Government Advocate

For R4 : Mr.Saravanakumar

ORDER

The Writ Petitioner has sought a Mandamus directing the first respondent to take appropriate action against respondents 2 to 4, of whom R2 is the Assistant Director and R3, the Tahsildar, in



respect of alleged violation committed by the fourth respondent by misusing the order of the first respondent, dated 21.02.2019 in regard to quarrying at SF.Nos.386/2, 3, 4, 5 at Athipatti, Saptur, Madurai District ("Property in question")

2. This Court, on 27.06.2019 had directed a report to be filed by the Tahsildar after inspection of the property in question as to whether the order of the first respondent, dated 21.02.2019 was being complied with. Report dated 02.07.2019 filed initially, stated that there were no violation by the fourth respondent and the quantum of sand dug out was within the permissible limits.

3. Since this Court was not satisfied with the explanation offered, particularly in the light of the photographs annexed to the writ petition, more clarity was sought and a further report was sought for.

4. Thereafter, report dated 08.07.2019 has been filed indicating clearly, various violations to the permit granted on 21.02.2019. The fourth respondent, according to the Tahsildar, has dealt with 2342 and 2437.5 cubic metres of sand in excess of the permit granted. On 09.07.2019, this Court has recorded that proceedings have been initiated by the Tahsildar intimating the Village Administrative Officer and the Assistant Director, Mines of appropriate action to be initiated as against the fourth respondent.

5. Today, I am informed that an order has been passed by the Revenue Divisional Officer as against the fourth respondent on 15.07.2019, a copy of which has been supplied to his learned counsel. That is a separate proceeding by itself. The fourth respondent is at liberty to take such necessary action as he may be advised in this regard, in accordance with law.

6. As far as the present writ petition is concerned, the Mandamus as sought for has been issued, culminating in the action as narrated above. Recording the same, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director,
Mines and Mineral Department,
Madurai District, Madurai.

3.The Tahsildar,
Periyur Taluk, Peraiyur,
Madurai.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-75813[F] dated
17/07/2019)

+1 CC to M/s.T.VADIVELAN, Advocate (SR-75791[F] dated
17/07/2019)

W.P. (MD) No.14416 of 2019
16.07.2019

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