



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No.15705 of 2019

E.Balakrishnan

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Deputy Director,
Mines and Geology Department,
Tirunelveli-9,
Tirunelveli District.

3.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

4.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

5.Sri Venumamalai Mutt,
through its Agent,
Sri Vanumamalai Mutt,
Nanguneri,
Tirunelveli District.

6.R.Jeyasingh

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to consider the petitioner's representation dated 19.06.2019 and pass appropriate orders to grant license to running brick-kiln in Survey No.626, 627/2 to an extent of 6.68.5 Hectares situated in Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District within a time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram

<https://hcservices.ecourts.gov.in/hcservices/>
FOR R1 to R4

: Mr.A.Thiyagarajan
Government Advocate

**ORDER**

The petitioner seeks a mandamus directing the official respondents viz., the District Collector (R1) and the Director of Mines and Minerals Department (R2) to consider his representation dated 19.06.2019 and grant license to run a brick-kiln in Survey No.626, 627/2 to an extent of 6.68.5 hectares situated in Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District (in short 'property in question').

2. In fact the petitioner has been making the same requests from 2016 and a copy of the representation dated 08.07.2016 has been placed on file.

3. Mr.Thiyagarajan, learned Government Advocate has accepted notice on behalf of the official respondents i.e., R1 to R4. Fifth respondent is the Venumamalai Mutt and sixth respondent is an individual.

4. There appears to have been certain disputes between the mutt and R6 / the individual in regard to the title of the property in question and the Settlement Tahsildar, Kovilpatti had, vide his order dated 30.01.2017, held that the Kudivaram right is vested with R6. The aforesaid decision was appealed before the Sub Court, Tirunelveli in RAIAT No.43 of 1970. By judgment dated 06.10.1972, the order of the Settlement Tahsildar was set aside and the Sub-Court holds that the property in question belongs to the mutt. Thereafter, patta in respect of the property in question has also been restored to the name of the mutt.

5. The petitioner was running the brick-kiln business in the property in question, admittedly, till 2014. In 2014 there was a break in the running of the business on account of certain medical ailments suffered by the petitioner for which he states on affidavit that he was undergoing treatment at KIMS Hospital, Trivandrum. Upon recovery, a representation was sent on 08.07.2016 by the petitioner for continuance of the business. However, the first and second respondents were disinclined to extend the license both on account of the break in business between the years 2014 and 2016 and the objection raised by R6. It is in the aforesaid circumstances, that the present petition has been filed.

6. In my view, this writ petition can be disposed by directing the first and second respondents to jointly consider the representations of the petitioner dated 08.07.2016 and 19.06.2019 and pass orders thereupon after hearing the petitioner, R5 and R6 and considering all materials that may be placed before them by the petitioner. No objection is expressed by Mr.Thiyagarajan, learned Government Advocate to the aforesaid direction. Orders as aforesaid shall be passed within a period of eight weeks from date of receipt of copy of this order.



7. This Writ Petition is disposed of in the aforesaid terms.
No costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Deputy Director,
Mines and Geology Department,
Tirunelveli-9, Tirunelveli District.

3.The District Revenue Officer,
Tirunelveli District, Tirunelveli.

4.The Tahsildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-77001[F] dated
23/07/2019)

+1 CC to M/s.SPL GP (SR-77253[F] dated 24/07/2019)

W.P. (MD) No.15705 of 2019
23.07.2019

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