



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 05.08.2019

CORAM

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 17134 OF 2019

T.C.Rajan

.. Petitioner

- Vs -

1. The District Collector
Kanyakumari District
@ Nagercoil.
2. The Revenue Divisional Officer/
Sub Collector, Kalkulam
Thuckalai
Kanyakumari District.
3. The Assistant Director of
Mines & Geology
Collectorate, Nagercoil
Kanyakumari District.
4. The Executive Engineer
Public Works Department
Veppamoodu Junction
Nagercoil, Kanyakumari District
5. The Assistant Executive Engineer
Public Works Department (WRDA)
Pattanangal Sub Division
Kuzhithurai, Kanyakumari District
6. The Tahsildar
Vilavancode Taluk
Kuzhithurai
Kanyakumari District.

WP No.17134/2019



7. M.Valselakumari
8. T.Kumaresan
9. K.V.Shaji

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directions respondents 1 to 5 to consider the petitioner's representation dated 04.02.2019 and to take appropriate action to stop the illegal quarrying and crusher unit conducted by respondents 6 to 9 and protect the Pattanam Channel, Pariyakarai Pond and protect the villagers from the health hazard.

For Petitioner : Mr. M.R.Sreenivasan

For Respondents : Mr. A.K.Baskarapandian, Spl. G.P.
For RR-1 to 6

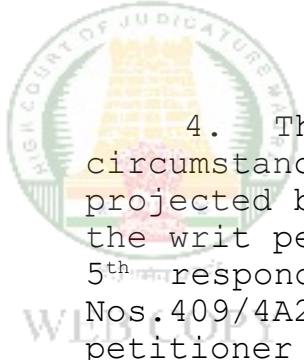
ORDER

(Order of the Court was made by M.Sathyanarayanan, J.)

This writ petition, styled as a public interest litigation, is filed by a resident of Kulamangi Vilai, Nattalam Post, Kanyakumari District and according to him, the private respondents, beyond the area and tenure of licence for stone quarrying in Mullanginavinai Village Panchayat re-survey Nos.409/4A2, 409/4A5 and 409/4A8, continue to do quarrying operations and on account of the same, the ecology and environment is affected and it is also leading to serious health hazard and on account of the continual operation of the quarry, the nearby rubber plantations are also getting affected and it is also causing nuisance. The representation dated 4.2.19 submitted in this regard to the 4th respondent, has failed to evoke any kind of response and, hence, the petitioner has come forward to file the present petition.

2. Heard the submission of the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Spl. Government Pleader, who accepts notice on behalf of respondents 1 to 6.

3. A perusal of the typed set of documents disclose that the 5th respondent has sent a communication dated 14.2.19 in Letter No.Ko.88/3/394/2019 referring to the petition of the petitioner dated 11.2.2019 and informed him that for the purpose of invoking the provisions of the Tamil Nadu Protection of Tanks & Eviction of Encroachment Act, the boundaries with regard to the water channel has to be fixed and as and when the necessary sketch and information are coming from the 6th respondent, further action will be taken and the encroachment caused will be removed.



4. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the writ petitioner, either in the representation or in the writ petition, directs the 6th respondent to co-ordinate with the 5th respondent and cause inspection of the lands in re-survey Nos.409/4A2, 409/4A5 and 409/4A8, after putting on notice the petitioner as well as respondents 7 to 9, and depending upon the result of the inspection, shall send a report to the 1st respondent/District Collector within a period of six weeks from the date of receipt of a copy of this order and based on the said report, the 1st respondent, in co-ordination with the 4th respondent, shall take appropriate action in accordance with law, within a period of eight weeks thereafter, after putting on notice the persons concerned, which may include the private respondents 7 to 9 and communicate the decision taken to the petitioner, the private respondents as well as to the persons concerned.

5. This writ petition is disposed of accordingly.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector
Kanyakumari District
@ Nagercoil.
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5. The Assistant Executive Engineer
Public Works Department (WRDA)
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Kanyakumari District

6. The Tahsildar
Vilavancode Taluk
Kuzhithurai
Kanyakumari District

+1 CC to M/s.SPL GP (SR-80010[F] dated 06/08/2019)

W.P. (MD) NO. 17134 OF 2019
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GLN
JMN(19.08.2019) 4P : 8C