



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **19.09.2019**
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P. (MD)No.13247 of 2018

N.Ganeshan

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
District Collectorate,
Dindigul District.

2.The Assistant Director,
Geology and Mining,
District Collectorate,
Dindigul District.

3.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.

4.The Tashildar,
Palani Taluk,
Dindigul District.

5.Mrs.Masilamani,
W/o. Velusamy,
Proprietrix,
M/s.SVS Brick Chamber,
Ayyampulli Village,
Palani Taluk, Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 07.06.2018 to initiate necessary action against the fifth respondent brick chamber running in violation of Tamil Nadu Minor Mineral Concession Rules, 1959, situated in S.No.326/1 Ayyampulli Village, Palani Taluk, belonging to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.D.Selvaraj
For Respondents 1to4	: Mrs.J.Padmavathi Devi, Special Government Pleader
For Respondent No.5	: Mr.M.Mahaboob Atiff, For M/s.Ajmal Associates



ORDER

The petitioner is claiming title to the land in Survey No.326/1, Ayyampulli Village, Palani Taluk. In respect of the same land, the fifth respondent was given permission to quarry brick earth. The petitioner filed a suit before the Civil Court for declaration of title and injunction and the same is pending. In the meanwhile, aggrieved over the unmindful quarrying of brick earth from his land, he made representations to the officials respondents 1 to 4 on 07.06.2018 for initiation of action. On notice, the fifth respondent has produced licence permitting her to quarry brick earth from patta lands.

2. The official respondents filed a counter-affidavit stating that the fifth respondent has quarried and stocked 1428.25 units of earth, but, she has not produced any stock register and permission for brick chamber had expired on 04.10.2017 and that they have forwarded the report to the Sub Collector, Palani, for further action.

3. From the above details, it is seen that in the case at hand, the official respondents have taken some action against the fifth respondent with regard to quarrying of earth for brick industry run by her. In view of the same, nothing survives for adjudication in this Writ Petition and it is closed accordingly. However, a direction is given to the first and second respondents to look into the indiscriminate sand quarrying complaint and pass appropriate orders, if there is any violation of the permit conditions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The District Collector,
Dindigul District,
District Collectorate,
Dindigul District.

2.The Assistant Director,
Geology and Mining,
District Collectorate,
Dindigul District.



3.The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.

4.The Tashildar,
Palani Taluk,
Dindigul District.

+1 CC to Mr.S.SARVAGAN PRABHU, Advocate (SR-87812[F] dated 19/09/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-88238[F] dated 20/09/2019)

+1 CC to SPL GP (SR-88356[F] dated 20/09/2019)

Order made in
W.P. (MD) No.13247 of 2018
Dated: **19.09.2019**

SML

MK (01.10.2019) 3P 8C