IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8721 of 2020

C.Shanmugam ... Petitioner

Vs.

1. The District Collector,
   Dharmapuri District, Dharmapuri.

2. The District Superintendent of Police,
   Dharmapuri District, Dharmapuri.

3. The District Revenue Officer,
   Dharmapuri Taluk, Dharmapuri.

4. The Tahsildar,
   Karimangalam Taluk,
   Dharmapuri District.

5. Prabu

6. Subaramani

7. Veerasamy ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 4th respondent to take action against the respondents 5, 6 and 7 the use of high explosives based on the petitioner's representation dated 05.06.2020.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.J.Ramesh, AGP for R1 to R4

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O R D E R

Mr.J.Ramesh, learned Additional Government Pleader takes notice for the respondents 1 to 4. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

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2.According to the petitioner, his land is situated in S.No.736/2 of Ramapuram Village, Karimangalam Taluk, Dharmapuri District. The respondents 5 and 6, who are the adjacent land owners, started to dig a well in their land by using high explosives, for which, they hired a explosive truck bearing Regn.No.TN21 S 6296 owned by the seventh respondent. As a result of the same, the walls of the petitioner's house developed cracks and the vibrations caused by high explosives, de-stabilized the foundations of his house. As it is mandatory to get prior permission from the authority concerned for using the high explosives in the residential area, the petitioner objected to the same. Even thereafter, the respondents 5 and 6 continued to dig the well using high explosives. Hence, the petitioner submitted representations dated 25.05.2020 and 27.05.2020 to the respondents 2 and 1 respectively. He again sent a representation dated 05.06.2020 to the respondents 1 to 4. However, no action was taken on the same. Therefore, the petitioner has come up with this writ petition seeking a direction to the official respondents to consider his representations and take action against the respondents 5, 6 and 7 for the use of high explosives.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4, who specifically submitted that no body is permitted to use explosives in the residential area and hence, pleaded to issue direction in this regard.

4. Considering the limited nature of the relief sought for herein, this Court, without going into the merits of the claim made by the petitioner, directs the fourth respondent to consider the representation dated 05.06.2020 submitted by the petitioner, more particularly, with regard to use of high explosives in the residential area, and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner as well as the respondents 5 to 7, within a period of four weeks from the date of uploading the copy of this order in the website.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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W.P.No.8721 of 2020

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