

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2020

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THE HONOURABLE MR.JUSTICE C.V.KATHIKEYAN

W.P.No.23499 of 2018
and
WMP. No.27430 of 2018

P.Thamizharasi

... Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram-631 501.

2. The Asst. Director of Geology and Mining,
Kancheepuram.

3. The District Revenue Officer,
Kancheepuram.

4. The Revenue Divisional Officer,
Kancheepuram.

5. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

6. C.Sambasivam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 5 to prevent 6th respondent from illegally excavate and transport sand from the lands comprised in Survey Nos.53/3, 54/1, 54/2, 54/3, 54/4, 55/2, 55/3, 55/4, 55/5, 55/6, 55/7, 58/1, 58/2, 58/3, 59/1, 59/2, 59/3, 59/4, 60, 61, 61/2 situated at Oragadam Mahadevi Mangalam Village, Sriperumbudur Taluk, kancheepuram District, by considering the petitioner's representation dated 23.08.2018 within a reasonable time.

For petitioner : Mr.R.Neelakandan

For respondents: Mrs.P.Rajalakshmi - R1 to R5
Mr.R.Poornima - R6

O R D E R

The petitioner has filed the writ petition seeking a Mandamus to direct the respondents 1 to 5 to prevent the 6th respondent from illegally excavating and transporting sand from the lands comprised in Survey Nos.53/3, 54/1, 54/2, 54/3, 54/4, 55/2, 55/3, 55/4, 55/5, 55/6, 55/7, 58/1, 58/2, 58/3, 59/1, 59/2, 59/3, 59/4, 60, 61, 61/2 situated at Oragadam Mahadevi Mangalam Village, Sriperumbudur Taluk, Kancheepuram District, by considering the petitioner's representation dated 23.08.2018 within a reasonable time.

2. The petitioner viz., P.Tamizharasi, W/o.K.Pandian, resident of Madavaram Milk Colony, Chennai, and the 6th respondent viz., C.Sambasivam S/o.Chockalinga Reddiar, who is residing at Oragadam Mahadevi Mangalam, Sriperumpudur Taluk, Kancheepuram District are relatives. The lis is only between the petitioner and the 6th respondent. A partition suit has been filed before the learned District Munsif cum Judicial Magistrate, Sriperumbudur in O.S.No.366 of 2012 and as against the judgment in that suit, an appeal has been filed in A.S.No.38 of 2019 and now, the same is pending before the Principal District Court, Kancheepuram. Not satisfied with the litigations before the Civil Courts, the petitioner and the 6th respondent have approached this Court.

3. The petitioner has complained that the 6th respondent is excavating sand available in the lands without any permission and therefore, the present Writ Petition has been filed seeking to a Mandamus directing the respondents 1 to 5 to prevent the 6th respondent from excavating and transporting sand in S.Nos.53/3, 54/1, 54/2, 54/3, 54/4, 55/2, 55/3, 55/4, 55/5, 55/6, 55/7, 58/1, 58/2, 58/3, 59/1, 59/2, 59/3, 59/4, 60, 61, 61/2, situated at Oragadam Mahadevi Mangalam Village, Sriperumbudur Taluk, Kancheepuram District. In this connection, the petitioner has also given a representation dated 23.08.2018 to the respondents 1 to 5.

4. The learned counsel for the 6th respondent, on the other hand, states that the excavation of the sand is for

his personal purpose. It is also stated that pursuant to the directions of this Court, work has stopped.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 and the learned counsel for the 6th respondent.

6. In view of the facts and circumstances of the case, it would be appropriate to issue directions to the second respondent, particularly, the Assistant Director of Geology and Mining, to examine the entire issue and then either grant permission or reject permission for excavating sand.

7. It would be in the interest of both the parties that they approach the second respondent and give representation to him and the second respondent is directed to give notice to both the petitioner and the 6th respondent and invite them for personal hearing and examine the representations and thereafter, pass orders. This exercise by the second respondents to be completed on or before 31.03.2020.

8. With the above observations, the writ petition is disposed of. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Assistant Director of Geology and Mining,
Kancheepuram.
3. The District Revenue Officer,
Kancheepuram.

4. The Revenue Divisional Officer,
Kancheepuram.

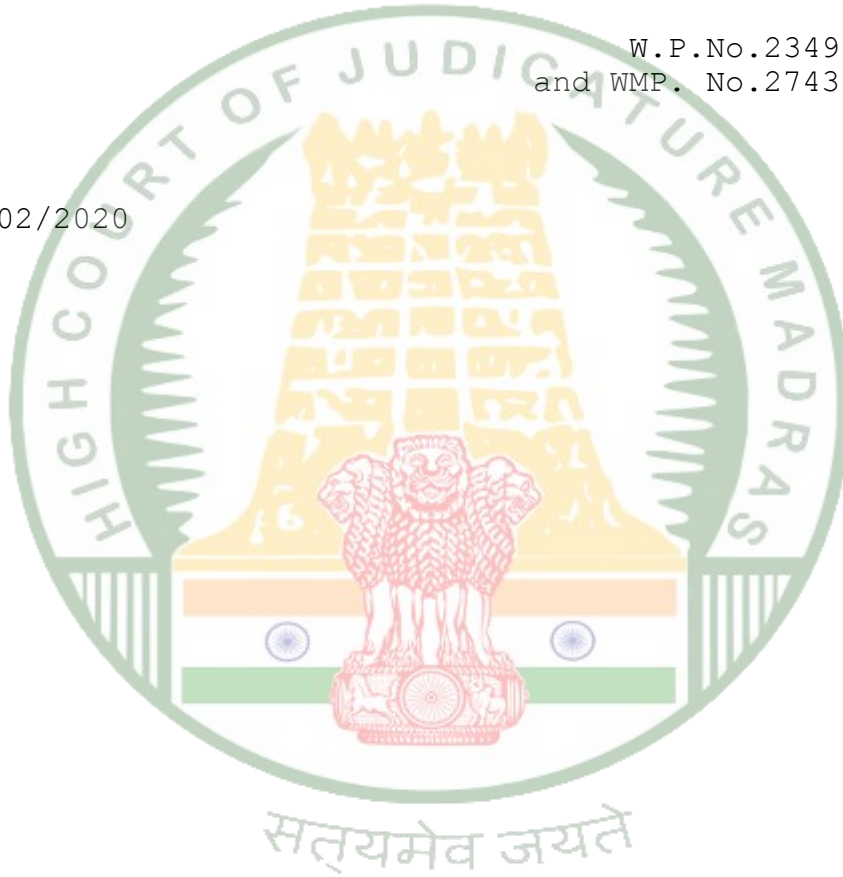
5. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to M/s.R.Poornima, Advocate Sr.10497

+1cc to the Government Pleader Sr.10904

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srg 25/02/2020



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