



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.02.2020**
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)NO.774 OF 2020

T.Leelavathi : Petitioner
.vs.

1.The District Collector,
Tuticorin,
Tuticorin District.

2.The Sub-Division Magistrate and
Sub-Collector,
Thoothukudi District.

3.The Assistant Director of Mines,
Office of the District Collector,
Thoothukudi District,
Thoothukudi.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to permit the petitioner to remove the copper slag available in Petitioner's patta land comprised in S.Nos.336/2, 336/3, Kumaragiri Village, Turicorin Taluk and District, by considering the representation of the petitioner dated 26.11.2019.

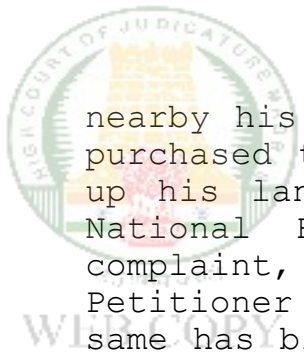
For Petitioner	: Mr.N.Mohideen Basha
For Respondents	: Mr.M.Rajarajan
1 to 3	Govt.Advocate

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to permit the petitioner to remove the copper slag available in Petitioner's patta land comprised in S.No.336/2, 336/3, Kumaragiri Village, Turicorin Taluk and District, by considering the representation of the petitioner dated 26.11.2019.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the petitioner is that the Petitioner is the owner of the above said land. Since National Highways was formed



nearby his land, his land become lowered and hence the Petitioner purchased the copper slag from the Sterlite Copper Company to fill up his land in order to equate the height of his land with the National Highways. In the year 2017, based on an unanimous complaint, the second respondent passed an order directing the Petitioner to remove the copper slag from his land stating that the same has blocked the free flow of water in the Uppor Odai. When he made attempts to remove the copper slag from his land, the third respondent and Police persons prevented the Petitioner from doing so in the name of transport permit. Though representation has been made and orders have been passed by the authorities concerned to remove the same, the third respondent and Police persons have not given permission to transport the same. While-so, now the Cement company namely, RAMCO Cements Limited has agreed to take the copper slag from the Petitioner's property. Hence the Petitioner has submitted a detailed representation on 26.11.2019 to the respondents seeking permission to remove the copper slag from his land. The same is said to be still pending. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

4. Therefore, without expressing any opinion on the merits of the claim made by the petitioner, the first respondent is directed to consider the representation of the petitioner, dated 26.11.2019 and pass appropriate orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to the Petitioner and other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1. The District Collector,
Tuticorin,
Tuticorin District.

2. The Sub-Division Magistrate and
Sub-Collector, Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Assistant Director of Mines,
Office of the District Collector,
Thoothukudi District,
Thoothukudi.

+1 CC to SPL.GP (SR-5830[F] dated 12/02/2020)

+1 CC to Mr.N.MOHIDEEN BHASHA, Advocate (SR-5885[F] dated
12/02/2020)

ORDER MADE IN
W. P (MD) NO. 774 OF 2020
11.02.2020

MK (20.02.2020) 3P 6C