



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.DURAISWAMY
and
The Hon'ble Mr.Justice T.RAVINDRAN

WMP(MD) Nos.1023 and 2636 of 2020
IN
WP(MD) No.1271 of 2020

K.KATHIRESAN

... PETITIONER/PETITIONER
IN WMP(MD)No.1023 of 2020

... 1st RESPONDENT/PETITIONER
IN WMP(MD)No.2636 of 2020

Vs

1 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT.

2 THE ASSISTANT DIRECTOR,
GEOLOGY AND MINES DEPARTMENT,
SIVAGANGAI DISTRICT.

3 THE TAHSILDAR,
OFFICE OF THE TALUK OFFICE,
KALAIYARKOIL, SIVAGANGAI DISTRICT.
(R3 CAUSE TITLE IS AMENDED VIDE COURT ORDER
DATED 17/02/2020 in WMP(MD)No.2052/2020 IN
WP(MD)No.1271/2020 by MDJ AND TRJ)

4 THE ASSISTANT DIRECTOR (PANCHAYAT),
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
SIVAGANGAI DISTRICT.

... RESPONDENTS 1 TO 4/RESPONDENTS 1 TO 4
IN WMP(MD)No.1023 of 2020
... RESPONDENTS 2 TO 5/RESPONDENTS 2 TO 5
IN WMP(MD)No.2636 of 2020

5 S.NAGALINGAM

... 5th RESPONDENT/5th RESPONDENT
IN WMP(MD)No.1023 of 2020

... PETITIONER/5th RESPONDENT
IN WMP(MD)No.2636 of 2020



Prayer in WMP(MD) No.1023 of 2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of injunction restraining the respondents from removing the gravel/sand from the land situated in Survey No.76/1 and 70/2 in Thatchanenthall Village, Sembanur Panchayat, Kalaiyarkovil Tk, Sivagangai District pending disposal of the above WP and thus render justice.

Prayer in WMP(MD) No.2636/2020 :

to grant an order of vacate interim injunction granted in WMP(MD).No.1023/2020 in WP(MD).NO.1271/2020 dated 22.1.2020.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner in WMP(MD)No.1023 of 2020 and 1st Respondent in WMP(MD) No.2636 of 2020, Mr.K.K.MAHESH RAJA, Advocate for the petitioner in WMP(MD)No.2636 of 2020 and 5th Respondent in WMP(MD)No.1023 of 2020 and of Mr.V.R.SHANMUGANATHAN, Special Government Pleader on behalf of the Respondents for Government Officials, the court made the following order:-

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

By order dated 22.01.2020, this Court granted an order of interim injunction restraining the fifth respondent from quarrying sand by removing the gravel / sand from the land situated in Survey Nos.76/1 and 70/2, Thatchanenthall Village, Sembanur Panchayat, Kalaiyarkovil Taluk, Sivagangai District.

2.The learned counsel appearing for the fifth respondent submitted that the fifth respondent is not removing the gravel / sand from the land in Survey Nos.76/1 and 70/2 and he is having the quarry operation only in Survey No.76/1.

3.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 4 also submitted that the fifth respondent has got licence to quarry gravel / sand in the patta land in Survey No.76/1.

4.In view of the submissions made by the learned counsel appearing on either side, the order dated 22.01.2020 is modified by granting an order of interim injunction in respect of Survey No.70/2.



5. With these observations, interim injunction petition in W.M.P (MD) No.1023 of 2020 as well as vacate stay petition in W.M.P(MD) No.2636 of 2020 are disposed of.

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17/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT.
- 2 THE ASSISTANT DIRECTOR,
GEOLOGY AND MINES DEPARTMENT,
SIVAGANGAI DISTRICT.
- 3 THE TAHSILDAR,
OFFICE OF THE TALUK OFFICE,
KALAIYARKOIL, SIVAGANGAI DISTRICT.
- 4 THE TAHSILDAR,
OFFICE OF THE TALUK OFFICE,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 5 THE ASSISTANT DIRECTOR (PANCHAYAT),
RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT,
SIVAGANGAI DISTRICT.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-3417[I] dated 18/02/2020)

+1 CC to M/s.K.K.MAHESH RAJA, Advocate (SR-3527[I] dated 19/02/2020)

ORDER IN
WMP(MD) Nos.1023 & 2636/2020
IN
WP(MD) No.1271 of 2020
Date :17/02/2020

PS
TE/PN/SAR-IV : 24/02/2020 : 3P/8C