



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.3241 of 2020

and

W.M.P. (MD)Nos.2746 and 2747 of 2020

N.Rajesh Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Deputy Director,
Dept. of Mines and Geology,
Sivagangai District.

3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

4.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

5.P.S.K.Balasubramanian

6.G.Sathishkumar

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to stop issuing new permission for removing 'UVARI' or 'UBARI' and 'SENGARKALIMANN' from Patta lands and also suspend existing licenses granted for removal of 'UBARI' and 'SENGARKALIMANN' from Patta lands and further direct the respondents 1 and 2 to strictly comply with G.O.(Ms)No.135, dated 13.11.2009, in curbing the illegal sand mining.

For Petitioner : Mr.J.Sankarapandian

For R1 to R4 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader



ORDER

[Order of the Court was made by **T.RAJA, J.**]

This Writ Petition seeking for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to stop from issuing new permission for removing ''UVARI'' or ''UBARI'' and ''SENGARKALIMANN'' from Patta lands and also suspend the existing licenses granted for removal of ''UBARI'' and ''SENGARKALIMANN'' from the Patta lands and further direct the respondents 1 and 2 to strictly comply with G.O.(Ms)No.135, dated 13.11.2009, in curbing the illegal sand mining, is not maintainable legally. Firstly, till date, the petitioner has not made any representation with regard to setting out his grievance to the Statutory Authorities. Even in the affidavit filed in support of the Writ Petition, he has not enclosed a copy of the representation. Moreover, he has not mentioned in his affidavit whether any representation has been given with regard to setting out his grievance to the Statutory Authorities. Therefore, we are not able to see whether there is any inaction on the part of the Statutory Authorities. The Writ of Mandamus will lie only if there is any inaction on the part of the Statutory Authorities in disposing the representation or not taking any action. The petitioner without knowing the fundamental rules and practice of this Court, has straight-away come to this Court and filed the present Writ Petition. Therefore, this Writ Petition is liable to be dismissed, accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1.The District Collector,
Sivagangai District,
Sivagangai.



2.The Deputy Director,
Dept. of Mines and Geology,
Sivagangai District.

3.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

4.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+1 CC to SPL.GP (SR-7030[F] dated 19/02/2020)

+1 CC to Mr.J.SANKARAPANDIAN, Advocate (SR-7163[F] dated
19/02/2020)

W.P. (MD) No. 3241 of 2020
18.02.2020

KM/ (02.03.2020) 3P 7C