



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.06.2020**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. [MD] .No.6394 of 2020

and

W.M.P. (MD)No.5644 of 2020

S.Balamurugan : Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Mines and Minerals,
Department of Geology and Mining,
Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti Revenue Divisional Office,
Thoothukudi District.

4.The Thasildhar,
Ettayapuram Taluk,
Thoothukudi District.

5.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

6.The Inspector of Police,
Maasarpatti Police Station,
Thoothukudi District.

7.A.K.Sundar

8.Narayanasamy : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to take necessary action against the persons who are illegally quarrying sand in the river beds of Vaipar River and the adjacent patta lands of Ayyanrasapatti Village near the river bed viz., Patta Nos.416/1, 409, 418/1, 101/2B, 101/3B, 419/1, 633/1, 633/4 and 647/4, 663/1, 671/1A of Ettayapuram Taluk, Thoothukudi District, under Tamil Nadu Minor Mineral Concession Rules, 1959.

For Petitioner

: Mrs.Lakshmi Gopinathan,
For M/s.Polax Legal Solutions



For Respondents 1 to 6 : Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Mr.R.Sethuraman,
Special Government Pleader

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O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

It is the grievance of the petitioner that respondent Nos.7 and 8 are illegally quarrying in lands adjacent to certain patta lands the survey numbers of which have been given in the Writ Petition. In support of the prayer in the Writ Petition, the petitioner has stated that he gave a representation dated 20.05.2020 to the authorities concerned to take appropriate action, but to no avail.

2. However, when the matter was taken up for hearing, Mr.K.Chellapandian, learned Additional Advocate General brought to the notice of this Court the actual representation that was given by the petitioner dated 20.05.2020 to the authorities, which substantially differs from the one that has been filed in the typed-set of papers.

3. We also called Mr.Azhagar, Tahsildar, Ettayapuram, by audio-call and when we questioned him, he stated that there is absolutely no illegal quarrying and that he is also ready, if the Court appoints an Advocate Commissioner to inspect the said site.

4. In view of the fact that the petitioner has not come to this Court with clean hands, this Writ Petition is dismissed. The copy of the actual representation dated 20.05.2020 produced by the learned Additional Advocate General shall form part of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

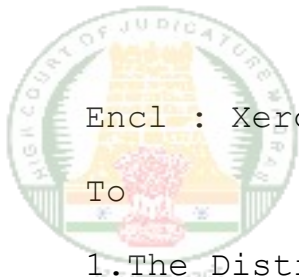
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/ /2020

Sub Assistant Registrar(CS)

SML

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



Encl : Xerox Copy of the Representation dated 20.05.2020.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
 - 2.The Assistant Director of Mines and Minerals,
Department of Geology and Mining,
Thoothukudi District.
 - 3.The Revenue Divisional Officer,
Kovilpatti Revenue Divisional Office,
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 - 4.The Thasildhar,
Ettayapuram Taluk,
Thoothukudi District.
 - 5.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
 - 6.The Inspector of Police,
Maasarpatti Police Station,
Thoothukudi District.
- +1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-13125[F] dated 05/06/2020)
- +1 CC to M/s.SPL GP (SR-13132[F] dated 05/06/2020)

Order made in
W.P. [MD] .No.6394 of 2020
Dated: 04.06.2020

AP(19/06/2020) 3P 9C