



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8345 of 2020

and

W.M.P (MD) .No.7754 of 2020

WEB COPY

1.Subbaiya

2.Mayilsamy

... Petitioners

Vs

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Dindigul West Taluk, Dindigul.

3.The Revenue Divisional Officer,
Dindigul District, Dindigul.

4.The Assistant Director,
Office of the Assistant Director,
Mines and Minerals, Dindigul,
Dindigul District.

5.M.Amani Abu Ayub Ansari

6.Mohamed Kashim Arsath

7.Mohammed Salim

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 particularly the first respondent to consider the petitioner's representation dated 08.06.2020 submitted for not authorizing the respondents 5 to 7 to remove the dumping of sands in the disputed ancestral properties of them bearing survey Nos.771/2C2, 790/1A, 772/B, 771/2C3 and 771/2B, situated at Thadikombu Village, Dindigul West Taluk, Dindigul District, on merits and in accordance with law.

For Petitioner : Mr.S.Palani Velayutham

For R-1 to R-4 : Mr.M.Rajarajan
Additional Government Pleader

For R-5 to R-7 : No Appearance



ORDER

(This Petition was heard through the Video Conferencing)

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4, particularly, the first respondent to consider the petitioner's representation dated 08.06.2020, submitted for not authorizing the respondents 5 to 7 to remove the dumping of sand in the disputed ancestral properties of the petitioners bearing survey Nos.771/2C2, 790/1A, 772/B, 771/2C3 and 771/2B, situated at Thadikombu Village, Dindigul West Taluk, Dindigul District, on merits and in accordance with law, within a time frame to be fixed by this Court.

2. Heard Mr.Palani Velayutham, learned counsel for the petitioner and MrM.Rajarajan, learned Additional Government Pleader for the respondents 1 to 4.

3. It is the case of the petitioners that the respondent Nos. 5 to 7 are illegally removing sand in their aforementioned property. In such circumstances, they have given a representation on 08.06.2020 to the official respondents calling upon them to take legal action against the respondents 5 to 7 for illegally removing sand. It is the case of the petitioners that till date, the said representation has not been considered by the respondents 1 to 4. In such circumstances, this Writ Petition has been filed.

4. The relief sought for in this Writ Petition is an innocuous relief. It is the case of the petitioners that the property comprised in Survey Nos.771/2C2, 790/1A, 772/B, 771/2C3 and 771/2B, situated at Thadikombu Village, Dindigul West Taluk, Dindigul District, is a disputed property, in which, the petitioners are also having a share. They have given a complaint to the respondents 1 to 4 on 08.06.2020 alleging that the respondent Nos.5 to 7 are illegally removing sand from the aforementioned property in order to take possession of the same. They have requested the respondents 1 to 4 to take legal action against the respondents 5 to 7 for illegally removing the sand. Admittedly, the said representation has not been considered by the respondents 1 to 4 till date.

5. For the foregoing reasons, this Court directs the first respondent to consider the petitioners' representation dated 08.06.2020 to take legal action against the respondents 5 to 7 for illegally removing sand in the disputed ancestral properties of the petitioners bearing Survey Nos.771/2C2, 790/1A, 772/B, 771/2C3 and 771/2B, situated at Thadikombu Village, Dindigul West Taluk, Dindigul District and pass final orders on merits and in accordance with law, after hearing necessary parties including the respondents 5 to 7, within a period of eight weeks from the date of receipt of a copy of this order.



6. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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.

To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Dindigul West Taluk, Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul District, Dindigul.
- 4.The Assistant Director,
Office of the Assistant Director,
Mines and Minerals, Dindigul,
Dindigul District.

+1 CC to SGP (SR-23132[F] dated 27/11/2020)

W.P. (MD)No.8345 of 2020

24.11.2020

MR (CO)

NR (07/12/2020) 3P : 6C