



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 10402 of 2020

S.Ramalingam

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

3. Murugan,
Then Village Administrative Officer,
Thiruppachethi Village North Group,
Now working as Village Administrative Officer,
Poovanthi Village,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate departmental action as against the third respondent based on the petitioner's representation dated 08.08.2019 made to the first respondent.

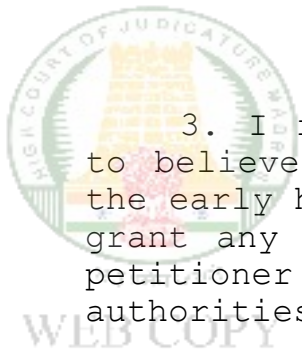
For Petitioner : Mr.D.S.Haroon Raseed

* * *

O R D E R

Heard the learned counsel appearing for the petitioner.

2. The petitioner's counsel points out that the complaint in Crime No.102 of 2019 registered on the file of Thiruppachethi police station was mechanically given by the local Village Administrative Officer at the instance of the jurisdictional police.



3. I find considerable force in the said allegation. I refuse to believe that the third respondent Murugan was keeping vigil in the early hours of the morning. But then, I am not in a position to grant any relief to the petitioner for the simple reason that the petitioner is not having any formal permission from the concerned authorities for removal and transport of the sand.

4. The petitioner claims that the sand was removed only from his patta land and not from any poramboke land. The patta land of the petitioner is said to be located in his village. In as much as prior permission was not obtained from the concerned authority, I decline to grant relief.

5. I make it clear that I have not disbelieved or rejected the claim of the petitioner herein. Granting relief in writ jurisdiction is discretionary. Since the petitioner has not obtained permission, I decline to exercise my discretion. I do not say anything more.

6. This writ petition stands dismissed at the admission stage, without issuing notice to the respondents. No costs.

Sd/-

Assistant Registrar (CSA-II)

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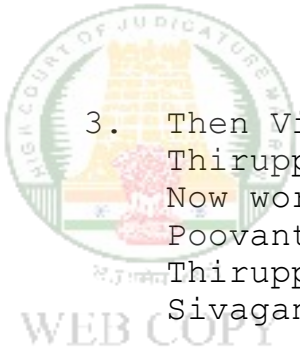
Sub Assistant Registrar(CS)

pmu

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,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.



3. Then Village Administrative Officer,
Thiruppachethi Village North Group,
Now working as Village Administrative Officer,
Poovanthi Village,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to the SPL GP (SR-15522[F] dated 01/09/2020)

W.P. (MD) No.10402 of 2020
31.08.2020

CS (08.09.2020) 3P 5C