



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12824 of 2020

and

W.M.P.(MD)Nos.10880, 10881 and 10882 of 2020

M.Bala Krishnan

... Petitioner

Vs.

1.The Director of Geology and Mining,
O/o.The Director of Geology and Mining,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai - 32.

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Thiruparankundram,
Madurai District.

4.The Tahsildhar,
Thiruparankundram Taluk,
Madurai District.

5.Lucky Associates,
Rep by its Proprietor,
304, Magilambu Street,
6th Main Road, Gomathipuram,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.279/2020-Kanimam dated 08.08.2020 on the file of the respondent No.2 and quash the same as illegal and consequently forbear the respondent No.5 from quarrying sand in agricultural lands of the petitioner in S.No.5/3, 5/5, 5/6, 28/4, 28/5, 29/12, 29/19 at K.Pudhupatti Village, Thiruparankundram Taluk, Madurai District within the time frame stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.M.Rajarajan,
Additional Govt. Pleader for R1 to R4.

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O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4. Considering the nature of relief to be granted in this writ petition, notice to the fifth respondent is dispensed with.

2.The grievance of the writ petitioner is that the fifth respondent is a private individual and that he could not have been permitted to quarry sand in a public kanmoi. Finding force in the said contention, this Court had granted interim injunction restraining the fifth respondent from carrying on the quarry operation.

3.When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the second respondent had already issued show cause calling upon the fifth respondent to explain as to why the license earlier granted to him should not be cancelled. The second respondent has also passed an order temporarily suspending the license issued in favour of the fifth respondent.

4.In view of these developments, I am of the view that this writ petition need not be kept pending. The writ petition is disposed of by recording the proceedings initiated by the District Collector in Na.Ka.No.674 of 2020. I further direct the second respondent to hear the writ petitioner before passing final orders in the matter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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:

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4.The Tahsildhar,
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Madurai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18655
[F] dated 01/10/2020)

+1 CC to M/s.GP (SR-18737[F] dated 01/10/2020)

W.P. (MD)No.12824 of 2020

30.09.2020

KMV(CO)

TR(07.10.2020) 3P 7C