



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15106 of 2020

N.Sahul Hameed

.. Petitioner

Vs.

The District Collector,
Office of the Collector District,
Sivagangai, Sivagangai District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent in light to consider the representation sent by the petitioner on 10.10.2020 for the extension of time period for further 30 days for the permission granted by the respondent in Na.Ka.M2/776/2017, dated 29.09.2020 to the transport of used sand from the petitioner's properties that is patta land in Survey Nos.115/2, 115/4A, 115/5A, 115/6, 115/7, 116/2, 117/7, 116/1A and 116/1A of Kalparavu Revenue Village of Manamadurai, Sivagangai District to Thanakkankulam Village, Madurai.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.C.Ramesh

Special Government Pleader

ORDER

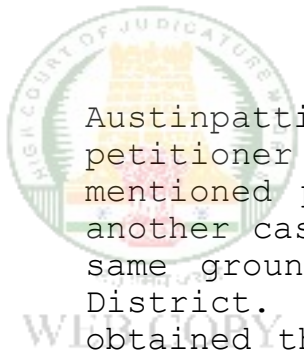
(This writ petition is heard through video conference)

This writ petition has been filed for a mandamus to direct the respondent to consider the petitioner's representation dated 10.10.2020, seeking for extension of time for further period of 30 days to transport the used sand from his patta lands in S.Nos.115/2, 115/4A, 115/5A, 115/6, 115/7, 116/2, 117/7, 116/1A and 116/1A of Kalparavu Revenue Village of Manamadurai, Sivagangai District to Thanakkankulam Village, Madurai.

2.Heard Mr.C.M.Arumugam, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, who accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.It is the case of the petitioner that by order dated 29.09.2020, issued by the respondent, he was permitted to transport the used sand from the above mentioned patta lands. The licence was granted for a period of 15 days under the aforementioned order. It is the case of the petitioner that he received the order dated 29.09.2020 only on 30.09.2020. According to the petitioner, a false case has been registered against him by the Sub Inspector of Police,



Austinpatti Police Station, Madurai District, on the ground that the petitioner has transported the used sand illegally from the above mentioned properties, in Crime No.1762 of 2020, on 02.10.2020 and another case has also been registered in Crime No.641 of 2020 on the same ground, by the Inspector of Police, Manamadurai, Sivagangai District. According to the petitioner, since he has already obtained the licence to transport the used sand from his property, the criminal cases registered against him in Crime No.1762 of 2020 on the file of the Austinpatti Police Station and Crime No.641 of 2020 on the file of the Manamadurai Police Station are false ones. It is the case of the petitioner that due to the foisting of the false cases against him and his vehicle, he was unable to transport the used sand as per the order dated 29.09.2020 issued by the respondent, within the period of 15 days stipulated therein. In such circumstances, he has sought for an extension of time for further period of 30 days from the respondent by his representation dated 10.10.2020. According to the petitioner, till date the said representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

5.The relief sought for by the petitioner is an innocuous relief. No prejudice will be caused to the respondent, if the same is considered on merits and in accordance with law. Admittedly, the petitioner was granted permission to transport the used sand from his property under an order of the respondent dated 29.09.2020. It is also an admitted fact that FIRs have been registered against the petitioner for illegal transportation of sand. It is the case of the petitioner that he has transported the sand only based on the permission granted by the respondent on 29.09.2020. All these factors will have to be considered by the respondent while disposing of the petitioner's representation dated 10.10.2020 seeking for extension of time by further period of 30 days. The reason given by the petitioner for seeking further extension is only on account of the alleged false complaints foisted against him in Crime Nos.1762 of 2020 and 641 of 2020. However, it is for the respondent to consider the same, while considering the petitioner's representation dated 10.10.2020, on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 10.10.2020, seeking extension of time by another period of 30 days under the permission granted by the respondent on 29.09.2020 to the petitioner to transport the used sand from his properties i.e., patta land in S.Nos. 115/2, 115/4A, 115/5A, 115/6, 115/7, 116/2, 117/7, 116/1A and 116/1A of Kalparavu Revenue Village of Manamadurai, Sivagangai District to Thanakkankulam Village, Madurai and pass final orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar (CS)

TM

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

The District Collector,
Office of the Collector District,
Sivagangai, Sivagangai District.

+1 CC to M/s.SPL GP (SR-20999[F] dated 03/11/2020)

W.P (MD) .No.15106 of 2020
02.11.2020

CK (CO)

KB (11.11.2020) 3P 3C