



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.15241 of 2020

A.Rajesh Kumar

... Petitioner

Vs.

1.The District Collector,  
Nagercoil, Kanyakumari District.

2.The Assistant Director,  
Geology and Mines Department,  
Nagercoil, Kanyakumari District.

... Respondents

**Prayer**: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to quarry the bumpy sand from his patta land measuring about 12 Ares in S.No.674/1A1A at Chitharal Village, Kanyakumari District for the construction purpose by considering his representation dated 02.09.2020.

|                 |                                               |
|-----------------|-----------------------------------------------|
| For Petitioner  | : Mr.R.Maheswaran                             |
| For Respondents | : Mr.C.Ramesh,<br>Special Government Pleader. |

**ORDER**

**(This Petition was heard through Video Conferencing)**

This writ petition has been filed for a Mandamus seeking for a direction to direct the respondents to permit the petitioner to quarry the bumpy sand from his patta land measuring about 12 Ares in survey No.674/1A1A at Chitharal Village, Kanyakumari District for the construction purpose by considering his representation dated 02.09.2020.

2.The case of the petitioner is that he is the owner of the aforementioned land. According to him, the said land is uneven in nature and therefore, he is unable to do agricultural operations there. Therefore, he has decided to remove the bumpy sand to enable him to do the agricultural operations in the said land. He has given representation dated 02.09.2020 to the respondents seeking permission to quarry the bumpy sand from his own agricultural land. According to the petitioner, he has also filed all supporting documents for obtaining the said permission. It is his case that till date the said representation has not been considered by the respondents. In such circumstances, this writ petition has been filed.



3.The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the petitioner's representation is considered by them on merits and in accordance with law.

4.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation, dated 02.09.2020 seeking permission to quarry the bumpy sand from his patta land measuring about 12 Ares in survey No.674/1A1A at Chitharal Village, Kanyakumari District and pass final orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

**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,  
Nagercoil, Kanyakumari District.

2.The Assistant Director,  
Geology and Mines Department,  
Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL GP ( SR-21136[F] dated 04/11/2020 )

+1 CC to M/s.R.MAHESHWARAN, Advocate ( SR-20968[F] dated 03/11/2020 )

W.P. (MD) No.15241 of 2020  
03.11.2020

KB(10.11.2020) 2P 5C