



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.15304 of 2020

(Through Video Conference)

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Vivekanadan

... Petitioner

Vs

- 1) The District Collector,
Kanyakumari District.
- 2) The Deputy Director of Geology and Mining,
Collectorate, Nagercoil,
Kanyakumari District.
- 3) The Thasildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to level the patta land situated in Re.Sy.No.409/8 of Sadayamangalam Village to the extent of 86.500 cents by considering his representation dated 01.09.2020.

For Petitioner : Mr.A.Balakrishnan

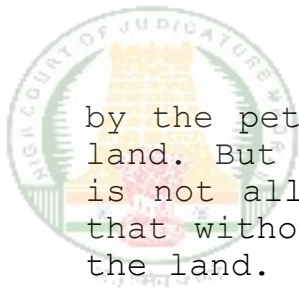
For Respondents : Mr.C.Ramesh,
Special Government Pleader

O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant permission to level the patta land of the petitioner situated at Re.Sy.No.409/8 of Sadayamangalam Village to the extent of 86.500 cents by considering the petitioner's representation dated 01.09.2020.

3. It is the case of the petitioner that he is the absolute owner of the aforementioned land. According to him, the land is uneven and therefore, he has sought for permission from the third respondent to level the land on 01.09.2020. Further, it is contended



by the petitioner that he is not doing any mining operation in his land. But according to him, despite the same, the third respondent is not allowing him to level the land and has orally informed him that without the approval of the first respondent, he cannot level the land.

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4. According to the learned counsel for the petitioner, only under such circumstances, he was made to give a representation to the respondents seeking for permission to level the land. According to him, till date, the representation, dated 01.09.2020 has not been considered by the respondents. In such circumstances, this writ petition has been filed.

5. Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the respondents are prepared to consider the representation, dated 01.09.2020 submitted by the petitioner for levelling his land subject to the condition that the petitioner pays the necessary charges for the same.

6. Learned counsel for the petitioner, on instructions, would also submit that the petitioner is ready and willing to pay the necessary charges as stipulated by the respondents.

7. No prejudice would be caused to the respondents if the said representation dated 01.09.2020 of the petitioner is considered by them on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the respondents to consider the representation of the petitioner, dated 01.09.2020 seeking for levelling his lands situated at Re.Sy.No.409/8 of Sadayamangalam Village, measuring an extent of 86.500 cents and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

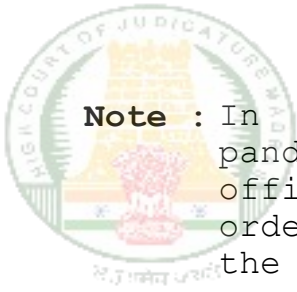
Assistant Registrar (P&A)

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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.

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- To:
- 1) The District Collector,
Kanyakumari District.
 - 2) The Deputy Director of Geology and Mining,
Collectorate, Nagercoil,
Kanyakumari District.
 - 3) The Thasildar,
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Kanyakumari District.

+1 CC to the SPL GP (SR-21331[F] dated 05/11/2020)

Order made in
W.P. (MD) No.15304 of 2020

Dated:
04.11.2020

PM(CO)
CS(24.11.2020) 3P 5C