



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.16027 of 2020

David Raj

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 25.09.2020 and to permit the petitioner to remove the top soil from his property in Re-survey no.205/15E situated at Nattalam B village, Vilavancode Taluk, Kanyakumari District and to transport the same to his relative's property in Re-survey No.217/16 situated at Kollanji and Re-survey No.186/14A situated at Nattalam village for the domestic and agricultural purpose.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.C.Ramesh

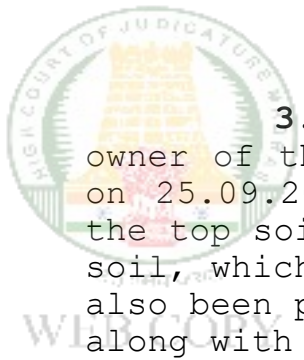
Special Government Pleader

ORDER

(This Petition was heard through Video Conferencing)

This writ petition has been filed for a Mandamus, seeking for a direction to the second respondent to consider the petitioner's representation dated 25.09.2020, wherein the petitioner has sought for permission to remove the top soil from his property in Re-survey No.205/15E situated at Nattalam B village, Vilavancode Taluk, Kanyakumari District and to transport the same to his relative's property in Re-survey No.217/16 situated at Kollanji and in Re-survey No.186/14A situated at Nattalam village for the domestic and agricultural purpose.

2. Heard Mr.M.R.Sreenivasan, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3. It is the case of the petitioner that he is the absolute owner of the aforementioned property and has given a representation on 25.09.2020 to the respondents seeking for permission to remove the top soil in his property. The photographs with regard to the top soil, which the petitioner seeks for removal from his property, have also been produced in the typed set of paper filed by the petitioner along with the petition.

4. It is the contention of the petitioner that despite his representation dated 25.09.2020, seeking permission from the respondents to remove the top soil and shift the same to his relative's property at Kollanji and at Nattalam village, the said representation has not been considered by the respondents till date. In such circumstances, this writ petition has been filed.

5. The relief sought for by the petitioner in this writ petitioner is an innocuous relief. No prejudice will be caused to the respondents, if the representation of the petitioner dated 25.09.2020, seeking for removal of top soil in his property, is considered by the respondents on merits and in accordance with law.

6. For the forgoing reasons, this Court directs the respondents to consider the petitioner's representation dated 25.09.2020, seeking for permission to remove the top soil from his property in Re-survey no.205/15E situated at Nattalam B village, Vilavancode Taluk, Kanyakumari District and to transport the same to his relative's property in Re-survey No.217/16 situated at Kollanji and in Re-survey No.186/14A situated at Nattalam village for the domestic and agricultural purpose and pass final orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-21980[F] dated
18/11/2020)

+1 CC to SGP (SR-22049[F] dated 18/11/2020)

W.P. (MD) No.16027 of 2020

11.11.2020

KMV (CO)

NR (24/11/2020) 3P : 5C