



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.17921 of 2020
(Through Video Conference)

E.Velavan

.. Petitioner

Vs.

1) The District Collector,
Tenkasi District,
Tenkasi.

2) The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

3) The Revenue Inspector,
Kadayanallur Taluk,
Tenkasi District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to consider and pass orders to grant permission for transportation of Earth Sand (Saralai) from the petitioner's patta land to Pambukovil Sandhai Railway Station for the purpose of raising the existing Lower level Platform into Higher Level Platform in the light of the proposal of the Senior Section Engineer, Southern Railway, Sencottai vide his letter No.E2/PBKS dated 28.10.2020 as well as the petitioner's representation dated 27.10.2020 made to the respondents 1 and 2 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

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

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second and third respondents to consider the petitioner's application seeking for permission for transportation of Earth Sand (Saralai) from the petitioner's patta land to Pambukovil Sandhai Railway Station for the purpose of raising the existing Lower level Platform into Higher Level Platform in the



light of the proposal of the Senior Section Engineer, Southern Railway, Sencottai vide his letter No.E2/PBKS dated 28.10.2020 as well as the petitioner's representation dated 27.10.2020.

2. 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.

3. It is the case of the petitioner that he is a Railway Contractor and in his patta lands, he seeks to remove the Earth Sand (Saralai) and use the same for the purpose of raising the existing lower level platform into higher level platform at Pambukovil Sandhai Railway Station.

4. According to the petitioner, the Senior Section Engineer, Southern Railway, Sencottai vide his letter dated 28.10.2020 has also confirmed that the work has been awarded to the petitioner and has also confirmed that the petitioner has proposed to bring the sand from his private land to the site of the proposed railway station. The petitioner has given a representation on 27.10.2020 to the respondents 2 and 3 seeking their permission to transport the sand from his patta land to Pambukoil sandhai Railway Station. It is the case of the petitioner that till date, the said representation has not been considered. In such circumstances, this writ petition has been filed.

5. Heard Mr.K.Sankar, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

6. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondents if the representation of the petitioner dated 27.10.2020 seeking for permission to transport sand from the petitioner's patta lands to Pambukoil sandhai Railway Station, where he is doing contract work for the Railways, is considered by the respondents on merits and in accordance with law.

7. The petitioner has also produced before this Court the letter dated 28.10.2020 issued by the Senior Section Engineer, Southern Railways, Sencottai which confirms that the petitioner is the Contractor for the Railways and has been entrusted with the task of leveling the platform in the said railway station.

8. For the foregoing reasons, this Court directs the respondents 2 and 3 to consider the petitioner's representation dated 27.10.2020 seeking for permission to transport Earth Sand (saralai) from the petitioner's patta land to Pambukoil sandhai Railway Station and pass final orders on merits and in accordance



a copy of this order.

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

WEB COPY

Sd/-

Assistant Registrar(CO)

// 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:

- 1) The District Collector,
Tenkasi District,
Tenkasi.
- 2) The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.
- 3) The Revenue Inspector,
Kadayanallur Taluk,
Tenkasi District.

+1 CC to M/s.GP (SR-24667[F] dated 09/12/2020)

+1 CC to M/s.K.SANKAR, Advocate (SR-24955[F] dated 10/12/2020)

Order made in
W.P(MD).No.17921 of 2020
Dated: **08.12.2020**

mj (CO)

TR(29.12.2020) 3P 6C