



WEB COPY

W.P.(MD)No.18145 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.18145 of 2020

and

W.M.P. (MD) .No.15156 of 2020

(Through Video Conferencing)

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... Petitioner

Vs

1. The Director,
Department of Geology and Mining,
Chennai.
2. The District Collector,
Kanyakumari District at Nagercoil.
3. The Assistant Director,
Department of Geology and Mining,
District Collector Office Campus,
Kanyakumari District at Nagercoil.
4. The Revenue Divisional Officer / Sub-Collector,
Padmanabhapuram, Thuckalai,
Kanyakumari District.
5. The Tahsildar,
Kalkulam Taluk, Kanyakumari District.
6. The Superintendent of Police,
Kanyakumari District at Nagercoil.
7. Sarathabai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 6 to consider the petitioner's representation dated 06.10.2020 and not to grant permission to the seventh respondent for quarrying the sand in Re-survey No.798/3, situated at Lakshmipuram Village, Kallukootam Town Panchayat, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.M.R.Sreenivasan

For R-1 to R-6 : Mr.C.Ramesh
Special Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent Nos.1 to 6 to consider the petitioner's representation dated 06.10.2020, requesting the respondent Nos.1 to 6 not to grant permission to the seventh respondent for quarrying sand in Re-survey No.798/3, situated in Lakshmipuram Village, Kallukoottam Town Panchayat, Kalkulam Taluk, Kanyakumari District.

2. Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondent Nos.1 to 6. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mr.M.R.Sreenivasan, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, for the respondent Nos.1 to 6.

4. It is the case of the petitioner that, illegally, the seventh respondent is quarrying sand from the aforementioned property. According to the petitioner, the subject property is a neighbouring property of the petitioner. It is the case of the petitioner that if the seventh respondent is permitted to quarry sand, there is a possibility of soil erosion which would seriously affect the petitioner's property. The petitioner has given a representation on 06.10.2020 to the respondent Nos.1 to 6 calling upon them to take legal action against the seventh respondent for illegally quarrying sand. According to the petitioner, till date, the said representation has not been considered. In such circumstances, this Writ Petition has been filed.

5. No prejudice will be caused to the respondents, if the representation of the petitioner, dated 06.10.2020 requesting the respondent Nos.1 to 6 not to grant permission to quarry sand, in Re-survey No.798/3, situated in Lakshmipuram Village, Kallukoottam Town Panchayat, Kalkulam Taluk, Kanyakumari District, is considered by the respondent Nos.1 to 6 on merits and in accordance with law, after hearing all the necessary parties including the seventh respondent.

6. For the foregoing reasons, this Court directs the respondent Nos.2 and 3 to consider the petitioner's representation dated 06.10.2020 requesting them not to grant permission to the seventh respondent to quarry sand in Re-survey No.798/3, situated in Lakshmipuram Village, Kallukoottam Town Panchayat, Kalkulam Taluk, Kanyakumari District and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner as well as the seventh respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

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/ /2020

Sub Assistant Registrar(CS)

tsg

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 Director,
Department of Geology and Mining,
Chennai.
2. The District Collector,
Kanyakumari District at Nagercoil.
3. The Assistant Director,
Department of Geology and Mining,
District Collector Office Campus,
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4. The Revenue Divisional Officer / Sub-Collector,
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5. The Tahsildar,
Kalkulam Taluk, Kanyakumari District.
6. The Superintendent of Police,
Kanyakumari District, at Nagercoil.

+1 CC to Mr.M.R.SREENIVASAN, Advocate SR-25027.

+1 CC to the SPL GP SR-25101.

W.P. (MD)No.18145 of 2020

10.12.2020

MJ(CO)

CS(16.12.2020) 3P 9C