

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.6315 of 2021

R.Sathya

... Petitioner

vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Deputy Director of
Geology and Mining,
Villupuram.

3.The Tahsildar,
Ulundurpet Taluk,
Kallakurichi District.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirukovilur.

5.The Sub-Inspector of Police,
Edakkal Police Station,
Kallakurichi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representations dated 03.11.2020, 18.11.2020, 12.12.2020 and 31.12.2020 respectively.

For Petitioner : Mr.K.Ramakrishna Reddy

For Respondents 1 to 4 : Mr.Akhil Akbar Ali,
Government Advocate

For Respondent 5 : Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

Mr.Akil Akbar Ali, learned Government Advocate accepts notice on behalf of the respondents 1 to 4 and Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondent 5.

2. This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's representations dated 03.11.2020, 18.11.2020, 12.12.2020 and 31.12.2020 requesting the respondents to take action against Mr.Sakthivel who is operating stone quarry in the adjoining lands of the petitioner in violation of the quarry conditions within a time frame to be fixed by this Court.

3. Heard Mr.K.Ramakrishna Reddy, learned counsel for the petitioner, Mr.Akil Akbar Ali, learned Government Advocate for the respondents 1 to 4 and Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondent 5.

4. Mr.T.R.Sathiamohan, learned counsel for Mr.Sakthivel against whom the petitioner desires to take action for illegal quarrying would submit that Mr.Sakthivel has been strictly abiding the conditions imposed under the quarry lease. He would also submit that without hearing Mr.Sakthivel, no final orders can be passed by the first respondent on the petitioner's representation.

5. The petitioner claims that due to the usage of high velocity blasting materials by Mr.Sakthivel, his agricultural activities in his agricultural lands comprised in S.Nos.315/2, 315/4 & 316/2 situated at Thirupeyar Village, Ulundurpet Taluk, Kallakurichi District are affected. Hence, he has given representations to the respondents requesting them to take action against Mr.Sakthivel who is the adjacent land owner. No prejudice will be caused to the respondents as well as Mr.Sakthivel, if the petitioner's representations are considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as Mr.Sakthivel in the enquiry proceedings. Mr.T.R.Sathiamohan, learned counsel for Mr.Sakthivel has also not raised any serious objection for this exercise.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representations dated 03.11.2020, 18.11.2020, 12.12.2020 and 31.12.2020 requesting the respondents to take action against Mr.Sakthivel who is operating stone quarry in the neighbouring lands comprised in S.No.318 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as

Mr.Sakthivel within a period of twelve weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Deputy Director of
Geology and Mining,
Villupuram.

3.The Tahsildar,
Ulundurpet Taluk,
Kallakurichi District.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirukovilur.

5.The Sub-Inspector of Police,
Edakkal Police Station,
Kallakurichi District.

+1CC TO MR.TR.SATIYAMOCHAN, ADVOCATE, SR.NO. 19868

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 20158

W.P.No.6315 of 2021

PCH(CO)
KKN 19.04.2021