

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.18579 of 2019

Perambalur District Stone Quarry, Crusher,
M.Sand Owners' Association
rep. by its Secretary, D.Sathiyaraj
No.112, MPS Complex
Collector Office Road
Perambalur - 621 212.

... Petitioner

Vs

1. The Commissioner of Land Administration
Ezhilagam, Kamarajar Salai
Chennai - 600 005.
2. The District Collector
Perambalur.
3. The Revenue Divisional Officer/
Block Development Officer
Perambalur
Perambalur District.
4. The Tahsildar (Revenue)
Perambalur Taluk
Perambalur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the members of the petitioner association dated 8.1.2019, duly acknowledged by the respondents on 22.1.2019, not to issue free patta in respect of the petitioners' industries within the prohibited distance of 300 meters in Perambalur District.

For Petitioner

: Mr.K.R.Krishnan

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader

ORDER

(Order of the Court was made by
SENTHILKUMAR RAMAMOORTHY, J.)

This writ petition is filed to direct the respondents to consider the representation of the members of the petitioner association to not approve the unauthorized layout or issue patta within the prohibited distance of the quarry sites. The petitioner states that a representation was issued by the petitioner Association to the respondents in this connection on 8.1.2019, but no action was taken pursuant thereto.

2. In several cases of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves significant public interest.

3. Accordingly, without examining the merits of the representation dated 8.1.2019, the official respondents concerned are directed to dispose of the same by a speaking order within a period of six weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to the affected parties. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue his remedies in accordance with law, otherwise than by a public interest litigation, after establishing his locus standi in that regard. It will also be open to the respondent authorities to look into the quarrying activities undertaken by the members of the petitioner association and as to whether such activities are in accordance with law.

4. W.P.No.18579 of 2019 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner of Land Administration
Ezhilagam, Kamarajar Salai
Chennai - 600 005.
2. The District Collector
Perambalur.
3. The Revenue Divisional Officer/
Block Development Officer
Perambalur
Perambalur District.
4. The Tahsildar (Revenue)
Perambalur Taluk
Perambalur.

+1cc to Mr.KR. KRISHNAN, Advocate, S.R.No.7105
+1cc to the Government Pleader, S.R.No.7101

PA(CO)
SM/18/02/2021

W.P.No.18579 of 2019



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