

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14673 of 2020

S.Balaguru

... Petitioner

Vs

1. The District Collector,
Office of the Collectorate,
Villupuram District.

2. The Revenue Divisional Officer,
Office of the Collectorate,
Villupuram District.

3. The Executive Engineer,
Keezhpennai River,
Water Resource System,
Vadinilakottam (Drains)
Public Works Department,
Villupuram District.

4. The Deputy Director,
Geology and Mining Department,
Office of the Collectorate,
Villupuram District.

5. M/s.Shree Balaji Enterprises,
Rep. by its Managing Director,
No.19/8, 3rd Floor,
Shree Balaji Apartments,
P.T.Rajan Salai,
K.K.Nagar,
Chennai - 78.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to conduct enquiry on the petitioner's representation dated 11.09.2020 against the 5th respondent for taking excess gravel in S.Nos.177 and 178 situated at Madhirimangalam Village, Villupuram Taluk, Villupuram District, within a time frame.

For petitioner ... Mr.D.Kumaralingam

For respondents ... Mr.V.Shanmuga Sundar
Special Government Pleader
for R1 to R3
Mr.Akhil Akbar Ali for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to conduct an enquiry on the petitioner's representation dated 11.09.2020 against the 5th respondent for taking excess gravel in Survey Nos.177 and 178 situated at Madhirimangalam Village, Villupuram Taluk, Villupuram District, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that the 5th respondent was granted licence to remove gravel from the stream comprised in the aforementioned property based on the recommendation of the Special Committee. According to him, the said licence was granted for a period of three months. It is his case that the specific quantity was also mentioned in the said license. However, according to the petitioner, contrary to the said licence in violation of the Rule 12 H of the The Tamil Nadu Minor Mineral Concession Rules, 1959, the 5th respondent has removed gravel in excess of the quantity prescribed by the 4th respondent.

3. The petitioner has given a representation on 11.09.2020 to the respondents 1 to 4 seeking to take legal action against the 5th respondent for taking excess gravel contrary to the terms and conditions of the licence granted to them. Since, the representation dated 11.09.2020 has not been considered by the respondents, the petitioner has filed this writ petition.

4. Heard Mr.D.Kumaralingam, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Akhil Akbar Ali, learned counsel for the fourth respondent. Notice sent to the 5th respondent has been duly served and an affidavit of service to that effect has also been filed by the petitioner before this Court.

5. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondent, if the representation of the petitioner seeking for legal action against the 5th respondent for taking excess gravel

contrary to the license granted by the 4th respondent is considered by the respondents 1 to 4 on merits and in accordance with law. The 5th respondent, who was granted permission to remove gravel from the stream has also been duly served in this writ petition.

6. For the foregoing reasons, this Court directs the respondents 1 to 4 to consider the petitioner's representation dated 11.09.2020 seeking for institution of legal action against the 5th respondent for the alleged removal of excess gravel in Survey Nos.177 and 178 situated at Madhirimangalam Village, Villupuram Taluk, Villupuram 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 5th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs12

To

1. The District Collector,
Office of the Collectorate,
Villupuram District.

2. The Revenue Divisional Officer,
Office of the Collectorate,
Villupuram District.

3. The Executive Engineer,
Keezhpennai River,
Water Resource System,
Vadinilakottam (Drains)
Public Works Department,
Villupuram District.

4. The Deputy Director,
Geology and Mining Department,
Office of the Collectorate,
Villupuram District.

+1cc to Mr.D.Kumaralingam, Advocate Sr.3230
+1cc to the Government Pleader Sr.3562

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srg 11/02/2021



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