



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2732 of 2021

S.Chellappa

... Petitioner

-Vs-

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Assistant Director,
Geological and Mining Department,
Tenkasi District.

3. M.Mohammed Ismail

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent and dispose of the petitioner's representation dated 14.12.2020 and 31.12.2020 sent for preventing the third respondent from dumping the M.Sand waster nearby the petitioner's agricultural land while running his crusher unit as expeditiously as possible within the time stipulated by this Court.

For Petitioner	: Mr.R.Anand
For R1 & R2	: Mr.C.Rammar
	Additional Government Pleader
For R3	: Notice D/W

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 & R2. Considering the nature of relief to be granted, notice to the third respondent is dispensed with.

2.The petitioner is said to be an agriculturist. He claims that he is being affected by the acts of dumping of M.Sand waste by the third respondent. According to him, the first respondent who is the licensing authority, is also duty bound to ensure that the licensee does not cause nuisance to others. In this regard, the petitioner has given a representation on 04.12.2020. All that the petitioner



3.The first respondent is therefore directed to consider the said representation and pass orders after duly putting the third respondent on notice. In other words, the first respondent will follow due process of law before giving disposal of the petitioner's representation. I make it clear that I have not gone into the merits of the matter. This order will not be construed as casting aspersion on the probable defence which the third respondent may have. The first respondent will pass such orders within a period of six weeks from the date of receipt of a copy of this order.

4.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS-)

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 Assistant Director,
Geological and Mining Department,
Tenkasi District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 5387

RMI

TE : 01/03/2021 : 2P/4C

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