



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.3824 of 2021

R.Saradhabai

... Petitioner

Vs.

1. The District Collector,
O/o. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Assistant Director,
Department of Geology and Mining,
District Collector Office Campus,
Nagercoil,
Kanyakumari District.
3. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
4. The Executive Officer,
Kallukottam Grade I Panchayat,
Kalkulam Taluk,
Kanyakumari District.

5. Jeen

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to call for a report from the third respondent in respect of the application of the petitioner dated 29.05.2020 to quarry the red sand and to level the lands belonging to the petitioner, in respect of the lands to an extent of about 10.63 Ares (26.250 Cents, comprised in Re-Survey No.798/3, Kallukootam Panchayat, Lakshmipuram Village, Kalkulam Taluk, Kanyakumari District and to issue proper permission for quarrying and leveling to said lands within a time frame as may be fixed by this Court.

For Petitioner	: Mr.G.Aravinthan
For R-1 to R-4	: Mrs.S.Srimathy, Special Government Pleader.
For R-5	: Mr.M.R.Sreenivasan

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1
<https://hcservices.ecourts.gov.in/hcservices/>



to 4 and the learned counsel appearing for the fifth respondent.

2. The petitioner is said to be the owner of the petition mentioned land. They are located at a higher level compared to the road level. Therefore, the petitioner wants to level the lands. The petitioner has been constrained to file this writ petition because the fifth respondent had earlier filed W.P.(MD)No.18145 of 2020 before this Court and this Court vide Order dated 10.12.2020 had directed the authorities to consider his representation requesting them to not to grant permission to the petitioner herein to quarry the sand in R.S.No.798/3 in Lakshmipuram Village, Kallukootam Town Panchayat, Kalkulam Taluk, Kanyakumari District.

3. The petitioner's counsel categorically states that the proposal is only for leveling the land and no for quarrying as such.

4. I am of the view that no independent orders are required to be passed in this writ petition. This is because there is already a direction to the authorities to pass orders, after hearing both the parties. Therefore, in line with the earlier order passed by this Court dated 10.12.2020 in W.P.(MD)No.18145 of 2020, I direct respondents 1 and 2 to consider the representation made by the writ petitioner as well as the fifth respondent and pass orders in such a way that the structural stability of the fifth respondent is not affected. In other words, permission to level the land can be given to the petitioner herein. But the extent of leveling will have to be limited without jeopardizing the rights of the fifth respondent's land. Such an order will be passed by respondents 1 and 2 within a period of six weeks from the date of receipt of a copy of this order.

5. With this direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
O/o. The District Collector, Nagercoil, Kanyakumari District.

2. The Assistant Director,
Department of Geology and Mining,
District Collector Office Campus,
Nagercoil, Kanyakumari District.

3. The Tahsildar,
Kalkulam Taluk, Kanyakumari District.

4. The Executive Officer,
Kallukottam Grade I Panchayat,
Kalkulam Taluk,
Kanyakumari District.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-13962[F] dated 26/03/2021)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-14001[F] dated
26/03/2021)

+1 CC to M/s.SPL GP (SR-14124[F] dated 29/03/2021)

W.P.(MD)No. 3824 of 2021
26.03.2021

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