



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.5787 of 2021

and

WMP (MD)No.6571 of 2021

WEB COPY

A.Karuppasamy

... Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu,
Industries Department,
Fort St.George,
Chennai.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Thoothukudi District,
Thoothukudi.

4.The Manager,
Vestas Wind Technology India Pvt.Ltd.,
No.150/4, Surandai,
Near TNEB,
Annamalaikulam Road,
Tirunelveli District - 627 859

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to take necessary action against illegal sand mining in the petitioner's land in S.F.No.448/3A, Murampan Village, Ottapidaram Taluk, Thoothukudi District, by considering the petitioner's representation, dated 21.10.2020 within stipulated time may be fixed by this Court.

(Prayer amended vide Order dated 30.06.2021 in WMP (MD) .No.6571/2021)

For Petitioner	: Mr.V.Muthukamatchi
For Respondents	: Mr.P.Thilak Kumar
(R1 to R3)	Govt.Advocate



O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to take necessary action against illegal sand mining in the petitioner's patta land in S.F.No.448/3A, Murampan Village, Ottapidaram Taluk, Thoothukudi District, by considering the petitioner's representation, dated 21.10.2020.

2. The case of the petitioner is that he is the owner of the agricultural land in S.F.No.448/3A, Murampan Village, Ottapidaram Taluk, Thoothukudi District. The patta for the said agricultural land stood in the name of petitioner and he is in continuous possession of the said land. He is doing agricultural activities for many years and his entire family depends only upon the income of the said agricultural land. For the construction of the wind turbine, the 4th respondent / Vestas Wind Technology India Pvt. Ltd., has illegally entered into the petitioner's agricultural land, cut down all the Banayan, Neem, Gum Arabick Tree from his land and made illegal sand mining from the petitioner's agricultural land, by using JCB vehicles, without any legal permission from the competent authority, for the value of approximately Rs.5 Lakhs and thereby, causing irreparable loss and damages to his property. Therefore, on 21.10.2020, the petitioner made a representation to the respondents 1 and 2, to take necessary action against the 4th respondent regarding illegal mining of sand. Even after receipt of said representation, the respondents did not take any action against the 4th respondent till date. Taking advantage of that, the 4th respondent has also made life threat to the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has addressed the illegal activities of the 4th respondent, before the respondents 1 and 2, but no action has been taken so far. The respondents 1 to 3 ought to have done their statutory duty in proper manner, by safeguarding the petitioner's property, under Article 300(A) of the Constitution of India. It is his further submission that the 4th respondent has no *locus standi* to extract sand in the petitioner's land without getting prior permission from the competent authority. The petitioner is the senior citizen and has a legitimate expectation to safeguard his agriculture land from the illegal sand mining done by the 4th respondent.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner's representation, dated 21.10.2020, will be considered within the time frame to be stipulated by this Court.

5. I have heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.



6. It appears that the petitioner has made a representation, dated 21.10.2020, to the respondents 1 and 2, requesting to take necessary action against the 4th respondent in respect of illegal mining of sand. Even after receipt of the said representation, the respondents did not take any action against the 4th respondent till date.

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7. Considering the submissions made by the learned counsel appearing for the petitioner as well as the respondent it would be appropriate to direct the respondent to dispose of the representation of the petitioner, dated 21.10.2020.

8. Accordingly, without adverting to the merits of the case, the 2nd respondent is directed to dispose of the representation of the petitioner, dated 21.10.2020, on merits, and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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 Secretary to Government,
State of Tamil Nadu,
Industries Department,
Fort St.George,
Chennai.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-20304[F] dated 25/06/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-20393[F] dated 28/06/2021)

W.P (MD) No.5787 of 2021
30.06.2021

SSS (CO)
KB (23.07.2021) 4P 6C