



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Fourth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

and

The Hon`ble Mr.Justice B.PUGALENDHI

W.P. (MD) No.10791 of 2020

S. Sudalaikannu

... Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep.By its Chief Secretary,
Fort St.George, Chennai 600 009.
- 2 The Government of Tamil Nadu
Rep by its Principal Secretary,
Department of Mines and Industries,
Fort St. George, Chennai 600 009.
- 3 The Commissioner of Geology and Mining
Government of Tamil Nadu, Gunidy,
Chennai 600 032, Tamil Nadu.
- 4 The District Collector,
Tirunelveli District, Tirunelveli.
- 5 The Commissioner,
Tirunelveli Corporation, Tirunelveli.
Tirunelveli District
- 6 G.Kannan
Present Commissioner For Tirunelveli Corporation,
Office of Tirunelveli Corporation,
Tirunelveli, Tirunelveli District.
- 7 Narayana Nayar,
Retired and now Appointed as Chief Executive Officer,
Office of Smart City Project,
Tirunelveli Corporation Campus,
Tirunelveli.
- 8 L.K.Basker,
Executive Engineer(Works)
Office of Tirunelveli Corporation,
Tirunelveli,
Tirunelveli District.



9 Ayyappan
Assistant Commissioner
Office of Tirunelveli Corporation
Thatchanallur Zone
Tirunelveli Junction, Tirunelveli District

10 Shanthi,
Assistant Executive Engineer
Office of Tirunelveli Corporation
Thatchanallur Zone
Tirunelveli Junction, Tirunelveli District

11 The Tahsildar,
Tirunelveli Town,
Tirunelveli District

... Respondents

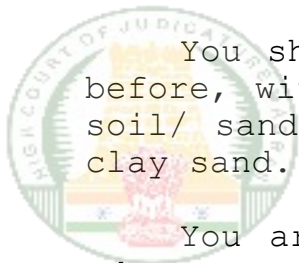
Prayer : This Writ Petition filed under Article 226 of the Constitution of India, to issue any writ or a writ in the nature of writ of mandamus directing the respondents No.1 to 3 to constitute a special investigation team to probe into the transportation of river sand and clay sand collected during the process of forming basement floor to the depth of 30 feet from the earth in the redevelopment of Junction Bus Stand, Tirunelveli, Tirunelveli District in Block No.7, Survey Nos.589/1A1 and 589/1B under the scheme of Smart city of Nellai as from 2018 onwards to till date to other State i.e., Kerala contrary to the existing laws and rules and bring the offenders to justice forthwith.

To

**Mr. K. Kalaivanan, M.Sc. (Geology), B.L., Advocate,
Joint Director(Retd.,)
Department of Geology & Mining, Chennai,
office at No.20/4, Naveeth Castle,
Balakrishna Street, Mylapore, Chennai- 600 004,
(Mobile No. 72000 17184)**

Whereas this Court hath in its order dated 09.10.2020 and made herein appointed **Mr. K. Kalaivanan, M.Sc. (Geology), B.L., Joint Director(Retd.,) Department of Geology & Mining, Chennai, Advocate Entol.No.24/2020, having office at No.20/4, Naveeth Castle, Balakrishna Street, Mylapore, Chennai- 600 004, Mobile No. 72000 17184,** as Advocate Commissioner, who shall inspect the premises and to report before this Court.

Therefore, you namely **Mr. K. Kalaivanan,** Advocate Commissioner is directed to visit the Prtiyar Bus Stand, Tirunelveli, within a period of ten days from the date of receipt of a copy of this order, after issuing notice of inspection to the respective parties. A bore Well shall be dug in the adjacent area of the renovating site; samples shall be drawn to ascertain the quality of the soil / sand in that area. He shall also examine the composition of the soil/ sand and stored by the respondents from the bus stand site.



You shall take necessary photographs and shall file his report before, with tabulated version, highlighting the composition of the soil/ sand being excavated, with the composition of river sand and clay sand.

You are further informed that the initial remuneration to the Advocate Commissioner is fixed at Rs.25,000/- (Rupees twenty five thousand only) apart from all other incidental charges, which shall be borne by the petitioner.

The report of the Advocate Commissioner shall reach this Court positively by 20.11.2020.

Given under my hand and seal of this Court on this Wednesday, the Fourth day of November Two Thousand and Twenty.

ASSISTANT REGISTRAR (CS-II)

ORDER DATED : 04/11/2020

Hearing DATE : 20/11/2020

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Advocate Commissioner
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WP(MD) . No.10791 of 2020

Giving direction and etc.
as stated within.

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and

The Hon`ble Mr.Justice B.PUGALENDHI

W.P. (MD) No.10791 of 2020

S. Sudalaikannu
Petitioner

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Vs

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Rep.By its Chief Secretary Fort St.George
Chennai 600 009
- 2 The Government of Tamil Nadu
Rep by its Principal Secretary Department
of Mines and Industries Fort St. George
Chennai 600 009
- 3 The Commissioner of Geology and Mining
Government of Tamil Nadu, Gunidy
Chennai 600 032 Tamil Nadu
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Tirunelveli District, Tirunelveli
- 5 The Commissioner
Tirunelveli Corporation Tirunelveli
Tirunelveli District
- 6 Mr.G.Kannan
Present Commissioner For Tirunelveli Corporation
Office of Tirunelveli Corporation
Tirunelveli Tirunelveli District.



Office of Smart City Project
Tirunelveli Corporation Campus
Tirunelveli

8 Mr.L.K.Basker,
Executive Engineer(Works)
Office of Tirunelveli Corporation
Tirunelveli
Tirunelveli District

9 Mr.Ayyappan
Assistant Commissioner
Office of Tirunelveli Corporation
Thatchanallur Zone
Tirunelveli Junction, Tirunelveli District

10 Mrs.Shanthi,
Assistant Executive Engineer
Office of Tirunelveli Corporation
Thatchanallur Zone
Tirunelveli Junction, Tirunelveli District

11 The Tahsildar
Tirunelveli Town , Tirunelveli District

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Respondents

Prayer :-

This Writ Petition filed under Article 226 of the Constitution of India, to issue any writ or a writ in the nature of writ of mandamus directing the respondents No.1 to 3 to constitute a special investigation team to probe into the transportation of river sand and clay sand collected during the process of forming basement floor to the depth of 30 feet from the earth in the redevelopment of Junction Bus Stand, Tirunelveli, Tirunelveli District in Block No.7, Survey Nos.589/1A1 and 589/1B under the scheme of Smart city of Nellai as from 2018 onwards to till date to other State i.e., Kerala contrary to the existing laws and rules and bring the offenders to justice forthwith.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Palanivelayutham, Advocate for the Petitioner and of Mrs. Narmadha Sampath, Additional Advocate General Assisted by Mr. M. Muthugeethaiyan, Special Government Pleader for the Respondents 1 to 4 & 11 and Mr. Isaac Mohanlal, Senior Counsel for Mr. Aayiram K. Selvakumar, Standing Counsel for the Tirunelveli Corporation, this Court made the following order:



TO

1. The Chief Secretary
Govt.Of Tamil Nadu, Fort St.George
Chennai 600 009
2. The Principal Secretary
Government of Tamil Nadu
Department of Mines and Industries, Fort St. George
Chennai 600 009
- 3 The Commissioner of Geology and Mining
Government of Tamil Nadu, Gunidy
Chennai 600 032 Tamil Nadu
- 4 The District Collector
Tirunelveli District, Tirunelveli
- 5 The Commissioner
Tirunelveli Corporation Tirunelveli
Tirunelveli District
6. Mr.Narayana Nayar,
Retired and now Appointed as Chief
Executive Officer Office of Smart City
Project Tirunelveli Corporation Campus
Tirunelveli
7. The Executive Engineer(Works)
Office of Tirunelveli Corporation, Tirunelveli
Tirunelveli District
8. The Assistant Commissioner
Office of Tirunelveli Corporation
Thatchanallur Zone
Tirunelveli Junction Tirunelveli District
- 9 . Mrs.Shanthi,
Assistant Executive Engineer
Office of Tirunelveli Corporation Thatchanallur Zone
Tirunelveli Junction Tirunelveli District
10. The Tahsildar
Tirunelveli Town, Tirunelveli District



1. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai
2. The Section Officer,
Writ Section, Madurai Bench of Madras High Court, Madurai

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MADRAS HIGH COURT

Hon`ble Mr.Justice
N.KIRUBAKARAN
AND
Hon`ble Mr.Justice
B.PUGALENDHI

ORDER DATED : 04/11/2020

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ORDER
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