



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.3338 of 2019

and

WM.P (MD) .No.2620 of 2019

C.R.Asai Murugan

... Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk Office,
Madurai District.

4.N.Ganesan

5.David Rajendran

6.Karuppathevar

7.Nammakodi

8.Thangaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent Nos.1 to 3 to restrain the Respondents 4 to 8 herein from in any manner removing the gravel sand illegally from the landed properties comprised in Survey Nos.119/3A, 119/3B, 120/8, 140/14, 141/10, 141/2, 141/3, 141/4 and 141/5 situated at Nakkalapatti Village, Usilampatti Taluk, Madurai District.

For Petitioner
For Respondents

: Mr.J.Lawrance
: Mr.D.Ghandiraj
Government Advocate
for R1 to R3
Mr.V.P.Rajan
for R5
Mr.C.Guhaseelarupan
for R6
Mr.M.Vivek Kumar



for R7

No appearance for R4

ORDER

Prayer sought for in this writ petition is for a Writ of Mandamus, directing the Respondents No.1 to 3 to restrain the Respondents 4 to 8 herein, from in any manner removing the gravel sand illegally from the landed properties comprised in Survey Nos.119/3A, 119/3B, 120/8, 140/14, 141/10, 141/2, 141/3, 141/4 and 141/5 situated at Nakkalapatti Village, Usilampatti Taluk, Madurai District.

2.The case of the petitioner is that the petitioner is having agricultural lands in Survey Nos.119/2A, 120/7, 141/2B, 141/2B1C, 141/2B1D and 141/5 at Nakkalapatti Village, Usilampatti Taluk, Madurai District.

3.It is a further case of the petitioner that the private respondents herein are having lands at various survey numbers in S.Nos.119/2A, 119/3A, 119/3B, 120/7, 120/8, 141/2B 1C, 141/2B 1D, 140/14, 141/10, 141/2, 141/3, 141/4 and 141/5.

4.It is in this context, the further case of the petitioner is that the private respondents are indulging in illegal quarrying by taking gravel sand from the said lands mentioned in the aforesaid Survey numbers belonged to the private respondents, which are just adjacent to the land belonged to the petitioner, thereby, the petitioner is getting affected, therefore, in order to prevent the private respondents from doing the alleged illegal quarrying, the petitioner had given a representation to the respondents on 07.02.2019, however, since the same is not considered, the petitioner has approached this Court by filing the present writ petition.

5.Heard Mr.J.Lawrence, learned Counsel appearing for the petitioner, who having stated the aforesaid, would seek indulgence of this Court to issue a direction to the respondents, especially, the first respondent, to decide the representation of the petitioner, on merits, within a time frame that may be stipulated by this Court.

6.Heard Mr.D.Ghandiraj, learned Government Advocate appearing for the official respondents, who would submit that, if at all, any representation has been submitted by the petitioner as claimed by him, on 07.02.2019, a copy of the same can be forwarded to the first respondent, who, on receipt of the same, would conduct a limited enquiry, as to verify the veracity of the complaint made by the petitioner in the said representation with regard to the alleged illegal quarrying on the part of the private respondents, ofcourse,

appearing

"that there shall be a direction to the first respondent/District Collector to consider the representation of the petitioner, dated 07.02.2019, and decide the same after conducting a limited enquiry, as to the veracity of the complaint made by the petitioner in the said representation, by giving notice separately to both the petitioner as well as the private respondents, and thereafter, final order shall be passed by disposing the said representation of the petitioner dated 07.02.2019. The needful as indicated above shall be undertaken by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order."

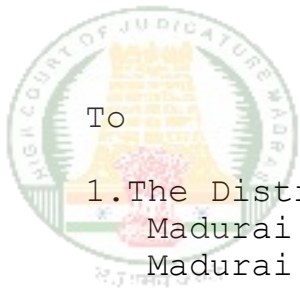
9. This writ petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Assistant Registrar (AD-II)

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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,
Madurai District,
Madurai

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk Office,
Madurai District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-28282[F] dated 06/09/2021)

+1 CC to M/s.GP (SR-28356[F] dated 07/09/2021)

W.P. (MD) No.3338 of 2019
06.09.2021

MMS (CO)

KB(25.10.2021) 4P 6C