



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021
CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU
W.P(MD)No.2958 of 2018

M.S.D.C.Radharaman

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,

2.The Commissioner,
Rajapalayam Municipality,
Virudhunagar District.

3.The Assistant Director of Mines and Minerals,
Office of District Collectorate,
Virudhunagar District.

4.The Tahsildar,
Rajapalahyam,
Virudhunagar District.

5.The Inspector of Police,
North Police Station,
Rajapalahyam,
Virudhunagar District.

6.M/s.Bharathi Cotton Mills (P) Ltd,
a Company incorporated under the
Companies Act represented through
its Managing Directors,
Cotton Mill Road,
Rajapalayam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to take action against the 6th respondent for the illegal quarrying of sand in Ward H, Block 4, Ts.No.14/3, 15, 21, 22, 23/1, Door No.1 17-29613, 149A2-29760, 149A2-29760 149A1-29823 at Sri Bharathi Cotton Mills Pvt.Ltd., Rajapalayam Municipality, Virudhunagar District, based on the complaint of the petitioner dated 20.12.2017 and consequently stop all illegal transport and



sale of sand, within the time frame stipulated by this Court.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.P.Thilakkumar
(R1, R3 to R5) Govt.Advocate
For Respondent-2 : Mr.N.Dilip Kumar
For Respondent-6 : Mr.G.Anbu Saravanan

ORDER

This Writ Petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to take action against the 6th respondent for the illegal quarrying of sand in Ward H, Block 4, T.S.No.14/3, 15, 21, 22, 23/1, Door No.1 17-29613, 149A2-29760, 149A2-29760 149A1-29823 at Sri Bharathi Cotton Mills Pvt.Ltd., Rajapalayam Municipality, Virudhunagar District, based on the complaint of the petitioner dated 20.12.2017 and consequently, stop all illegal transport and sale of sand.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It appears that there were disputes pending between the petitioner and the petitioner's father with respect to the subject property. The second and third respondents have filed their counter affidavit and in the counter affidavit filed by the third respondent, it is specifically stated that based on the complaint received from the writ petitioner, the above said area was inspected by the Assistant Geologist, Department of Geology and Mining, Virudhunagar, Special Revenue Inspector (Mines), along with Village Administrative Officer, Rajapalayam on 20.06.2019 and it is reported that there is no illegal quarrying and transportation of sand in the subject area and further, it is reported by the Assistant Geologist, Department of Geology and Mining, Virudhunagar, that there is no further action necessary in this matter.

4. The learned counsel appearing for the petitioner would state that the statement made by the third respondent in his counter affidavit may be recorded and the writ petition may be closed.

5. Accordingly, the statement made in the counter affidavit by the third respondent, is recorded and since no further action is



necessary in this matter, this writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MPK/PM

Note:(i) 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,
Virudhunagar District,
- 2.The Commissioner,
Rajapalayam Municipality, Virudhunagar District.
- 3.The Assistant Director of Mines and Minerals,
Office of District Collectorate,
Virudhunagar District.
- 4.The Tahsildar,
Rajapalahyam, Virudhunagar District.
- 5.The Inspector of Police,
North Police Station,
Rajapalahyam,
Virudhunagar District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-20483[F] dated 29/06/2021)
+1 CC to M/s.SPL GP (SR-20740[F] dated 30/06/2021)

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29.06.2021

CN(12.07.2021) 3P 8C