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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22045 of 2019

and

W.M.P. (MD)No.18806 of 2019

Muthurakku

... Petitioner

-Vs-

- 1.The District Collector,
Theni District,
Theni.
- 2.The District Revenue Officer,
Theni District,
Theni.
- 3.The Revenue Divisional Officer,
Bodinayakkanur,
Theni District.
- 4.The Assistant Director,
Mines and Minerals Department,
Theni.
- 5.Senthil Kumar

6.Muthusamy

... Respondents

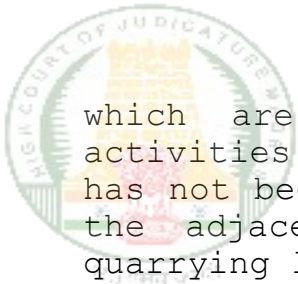
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent Nos.1 to 4 to forbear the 5th and 6th respondents from conducting illegal mining activities in Survey No.80/1, 80/3 and 81/6 situated at Kodangipatti, Kodangipatti Post, Bodinayakkanur Taluk, Theni District.

For Petitioner	: Mr.M.Jerin Mathew
For R1 to R4	: Mrs.J.Padmavathi Devi
	Special Government Pleader
For R5 & R6	: Mr.K.Gokul

ORDER

Heard the learned counsel on either side.

2.The petitioner alleges that in the petition mentioned lands



which are said to belong to the petitioner, illegal mining activities are going on. There is no dispute that the petitioner has not been granted any quarrying license. On the other hand, for the adjacent lands, the private respondents have been granted quarrying license.

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3. I am of the view that the issue can be resolved, if a proper survey is conducted. Therefore, the third respondent is directed to conduct survey and identify the petitioner's lands based on the records available with the petitioner. The third respondent is also permitted to avail police protection, if there is any resistance in conducting survey exercise. I make it clear that the purpose of directing the survey exercise is only to identify the area where the mining is going on and the land which is belonging to the petitioner. As a result of the survey, there will not be any dispossession or alteration of the status quo. This exercise will be completed within a period of three months from the date of receipt of a copy of this order. I make it clear that before conducting the survey, notice will be issued to the concerned parties. It is the duty of the official respondents to ensure that no mining activities takes place in non licensed areas. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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,
Theni District,
Theni.

2.The District Revenue Officer,
Theni District,
Theni.



3.The Revenue Divisional Officer,
Bodinayakkanur,
Theni District.

4.The Assistant Director,
Mines and Minerals Department,
Theni.

W.P. (MD) No.22045 of 2019
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