



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3732 of 2022

D.Devarajan

... Petitioner

Vs

1.The District Collector,
Krishnagiri District.

2.The Assistant Director,
Mines and Geology Department,
Collectorate Office, Krishnagiri District.

3.The Tahsildar,
Bargur, Bargur Taluk,
Krishnagiri District.

4.D.Govindarajan

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to consider the representation of the petitioner dated 29.06.2021.

For Petitioner : Dr.G.Babu

For Respondents: Mr.B.Vijay (for R1 to R3)
Additional Government Pleader

O R D E R

Mr. B.Vijay, learned Additional Government Pleader accepts notice for R1 to R3 and is armed with instructions in order to enable this Court to dispose the writ petition finally at this juncture. Bearing in mind the nature of order passed in the paragraphs to follow, I do not believe it necessary to issue notice to R4. Hence by consent expressed by learned counsel for the petitioner and for R1 to R3, this writ petition is disposed even at the stage of admission.

2. The father of the petitioner had held title to the land in S.No 335/4A1, Soolamalai Village, Krishnagiri Taluk (property in question) and his mother had obtained a license for operating



a quarry thereupon. Post her demise on 10.07.2015 a dispute appears to have been arisen between the brothers ie., the Petitioner, R4 and another brother by name Asokan.

3. It appears that his mother had left a Will bequeathing the land in S.No.335/4A1 and the surface rights thereupon to R4 which was a trigger for filing a civil suit in O.S.No 79 Of 2017 before the Principal District Court, Krishnagiri by the petitioner and the said Asokan, arraying R4 and other individuals as defendants therein seeking a partition of various properties including the property in question.

4. Admittedly, the said Suit is pending disposal. In the meanwhile, R4 had sought to act upon the Will and the right that vested in him thereunder in regard to the exploitation of right in the property in question. Upon consideration of his application, the District Collector, Krishnagiri arrayed as R1, passed an order on 26.02.2016 taking note of the dispute inter se the parties and the fact that the legal heirs of Late.Rukkammal, that is the petitioner, R4 and the said Asokan had not consented for the exploitation of the land in question.

5. For this purpose, he suspended the quarry operations in S.No.335/4A1 till such time the name transfer was effected with the consent obtained from all legal heirs as arrayed in the legal heirship certificate. Notwithstanding the suspension of operations, it is the submission of the petitioner that R4 has been illegally exploiting the land in question. He has made a complaint in this regard before R1, District Collector, on 29.06.2021, acknowledgment of which is placed pge 83 of the compilation, and seeks early disposal of the same.

6. Mr. Vijay would have no objection for this Court issuing mandamus as sought for. Thus, a mandamus is issued to R1 to hear the petitioner, R4 as well as other individuals who may be thought necessary in the adjudication of the matter and dispose the application of the petitioner within a period of four (4) weeks from today.

7. This Writ Petition is disposed as above. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

S1



To

1.The District Collector,
Krishnagiri District.

2.The Assistant Director,
Mines and Geology Department,
Collectorate Office, Krishnagiri District.

3.The Tahsildar,
Bargur, Bargur Taluk,
Krishnagiri District.

W.P.No.3732 of 2022

BR(CO)
SB(06/04/2022)