



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13508 of 2022
and W.M.P.No.12689 of 2022

K.Mayilsamy

...Petitioner

Vs.

- 1.The District Collector,
Coimbatore Collectrate,
Coimbatore - 641 018.
- 2.The Assistant Director,
Geology and Mining Office, 3rd Floor,
District Collectorate, Coimbatore - 18.
- 3.The Tahsildar,
Kinathukadavu Taluk Office,
Kinathukadavu, Pin - 642 109.
- 4.Malathi

5.Maheshwari

...Respondents

PRAYER : This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3, to consider the petitioner's representation dated 22.04.2022 and consequently direct the respondents 1 to 3 restraining the respondents 4 and 5 or their men agents and servants from their illegal mining, quarrying in survey No.192/4, 225, 226, 190/3, Kondampatti Village, Kinathu Kadavu Taluk, Coimbatore District.

For Petitioner	:	Mr.B.Manimaran
For R1 to R3	:	Mr.B.Vijay Additional Government Pleader
For R4 & R5	:	Mr.T.Balaji

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



2.The petitioner herein had given a representation to the respondents 1 to 3 on 22.04.2022, seeking to restrain the respondents 4 and 5 or their men agents and servants from their illegal mining, quarrying in survey No.192/4, 225, 226, 190/3, Kondampatti Village, Kinathu Kadavu Taluk, Coimbatore District. Since the said representation was not considered, the present writ petition has been filed.

3.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

Dua/Pns

To

1.The District Collector,
Coimbatore Collectrate,
Coimbatore - 641 018.

2.The Assistant Director,
Geology and Mining Office,
3rd Floor, District Collectorate,
Coimbatore - 18.



3.The Tahsildar,
Kinathukadavu Taluk Office,
Kinathukadavu - 642 109.

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+1cc to Mr.B.Manimaran, Advocate Sr.No.31971

+1cc to Mr.T.Balaji, Advocate Sr.No.32063

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VBM(CO)
RVM(13/06/2022)