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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27545 of 2021

and

W.M.P.No.29090 of 2021

E. Ravichandran

Vs.

... Petitioner

1. The Collector,
Collectorate Office, Villupuram.
2. The Revenue Department Law & Order/
Complaints and others
Office of the Tahsildar,
Marakanam, Villupuram District.
3. The Assistant Director,
Department Geology and Mining,
Guindy, Chennai-600 032.
4. Adhinatha M. Sand
Rep. By Mr. Jayavelan
Nalmukkal Village,
Marakanam Taluk,
Villupuram District.
5. Singaravelan M.Sand
Nalmukkal Village,
Marakanam Taluk,
Villupuram District.
6. AJS Crusher,
Nalmukkal Village,
Marakanam Taluk,
Villupuram District.
7. Jayavelan M.Sand
Nalmukkal Village,
Marakanam Taluk,
Villupuram District.

... Respondents



Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 16.03.2020 and direct the 1st respondent to take action against the 4 to 7 respondents from carrying out the crusher activities situated at Villupuram District, Nalmukkal Village, Marakanam Taluk in the said location.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.B.Vijay,
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 16.03.2020 and direct to take action against the Respondents 4 to 7.

2.The case of the petitioner is that the petitioner and his family members were owning agricultural land in Villupuram District, Nalmukkal Village, Marakanam Taluk and cultivating crops for more than 40 years. The Respondents 4 to 7 had established the crusher plan, adjacent to the petitioner's land, due to which, the agricultural land of the petitioner and others got affected. Thereafter, the petitioner made a representation dated 18.12.2020 to the 1st respondent to take action against the Respondents 4 to 7 and also made another representation dated 16.03.2020 to the 1st respondent. However, till date no action has been taken on the representation made. Aggrieved by the same, this Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 16.03.2020 in accordance with law and pass appropriate orders within a particular time frame fixed by this Court.

4. Mr.B.Vijay, learned Additional Government Pleader submitted that on verification, the District Administration found that there are three unauthorised crushing units functioning and show cause notice has also been issued against their continuance on 13.01.2022. Further, concerned authority has been taking legal action against the PCB (Pollution Control Board), which has not been shown as a party in this Writ Petition. However, the District Collector with the concerned officials are inspecting the areas. If any violation was made out, the District Collector will take appropriate action against the unauthorised units.



5. Since, no adverse orders is being passed against the Respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.

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6. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 16.03.2020 in accordance with law and pass appropriate orders after providing opportunity of hearing to the Respondents 4 to 7 within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

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To

1. The Collector,
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2. The Revenue Department Law & Order/
Complaints and others
Office of the Tahsildar,
Marakanam, Villupuram District.
3. The Assistant Director,
Department Geology and Mining,
Guindy, Chennai-600 032.

+1cc to Mr.P.Chandrasekar, Advocate SR.No.5467

+1cc to Government Pleader SR.No.6048

W.P.No.27545 of 2021
and
W.M.P.No.29090 of 2021

JP II (CO)
GMY (22/02/2022)