

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.NO.1955/2017

K.N.Devaraj

...Petitioner

Vs

1.The District Collector
Erode District, Erode.

2.The Revenue Tahsildar
Perundurai Taluk,
Perundurai, Erode District.

3.Mohammed Salarudhin

...Respondents

Prayer : Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st and 2nd respondents to consider the petitioners representation dt 1.11.2016 and take suitable legal action so as to close the quarry in Survey No.599 situated at Pandiampalayam Village, Perundurai Taluk, Erode District.

For Petitioner : Mr.C.Munusamy

For RR 1 to 2 : Mr.K.M.D.Muhilan
Government Advocate

For R3 : Mr.Manivasagam Associates

ORDER

- (1) The petitioner seeks a writ of mandamus directing the respondents to consider his representation dated 01.11.2016.
- (2) It appears that this Court has directed the respondents to file a Status Report and the Status Report filed by the Tahsildar. Perundurai.
- (3) From the complaint of the petitioner, the grievance of the petitioner is that the 3rd respondent who has been granted quarrying license over certain lands in the village, had

closed all the pathways that is leading to the petitioner's land. It is further claimed that there has been illegal quarrying.

- (4) The claim made regarding the existence of the pathway or the right to use the pathway is purely civil in nature and the same cannot be made as the subject matter of proceedings under Article 226 of the Constitution of India. As regards the claim that there has been illegal quarrying, the Tahsildar, Perundurai, has filed a Report stating that the 3rd respondent has been granted quarrying permit and he has been quarrying only with the permission of the Government and all the parameters had been adhered to by the 3rd respondent.
- (5) In view of the said Report, I do not see any reason to issue a mandamus as prayed for.
- (6) The writ petition fails and it is accordingly dismissed. It is open to the petitioner to seek appropriate relief before the appropriate Forum if he is so advised. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

AP

To

1.The District Collector
Erode District, Erode.

2.The Revenue Tahsildar
Perundurai Taluk,
Perundurai, Erode District.

Copy To

The Tahsildar,
Perundurai.

+1cc to M/s.Manivasagam Associates, Advocate Sr.No.43208
+1cc to the Government Pleader Sr.No.44579

W.P.No.1955 of 2017

MG(CO)
RVM(15/07/2022)