



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P (MD)No. 332 of 2022

WEB COPY

C.Panthanam

.. Petitioner

Vs

- 1.The District Collector,
Virudhunagar, Virudhunagar District.
- 2.The Assistant Director,
Geology and Mines and Minerals Department,
Virudhunagar, Virudhunagar District.
- 3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 5.The Block Development Officer (BDO),
Kariyapati Panchayat Union,
Kariyapati, Virudhunagar District.
- 6.The President,
Mustakurichi Panchayat,
Mustakurichi, Kariyapatti Taluk,
Virudhunagar District.
- 7.The Village Administrative Officer,
Mustakurichi Panchayat,
Mustakurichi, Kariyapatti Taluk,
Virudhunagar District.

8.Chithirai Velu

9.Tha.Selva Sekar

.. Respondents

(R9 is suo motu impleaded vide Court order dated 07.01.2022
in WP(MD).No.332 of 2022)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents No.1 to 5 to cancel the license granted to the eighth respondent and stop the mining activities on his land comprised in Survey Nos.226/8, 232/1B, 232/4B and 232/5 situated at Mustakurichi Village, Kariyapati Taluk, by considering the petitioner's representation dated 27.12.2021.



For Petitioner : Mr.T.Indrachithu
For Respondents : Mr.M.Siddharthan,
Addl.Govt.Pleader
for R1 to R4 and R7
Mr.Jerin Mathew
for Mr.T.Palanisamy for R8

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ORDER

[Made by PARESH UPADHYAY, J.]

1. This petition is styled as public interest litigation.
2. This Court had on 24 March 2022 passed the following order:-

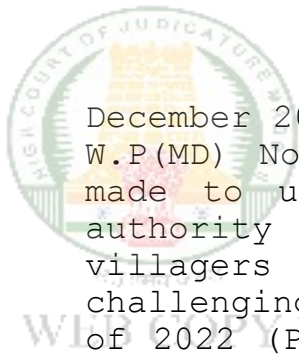
"1. This petition is styled as public interest litigation. It is filed by a lady, who has sworn an affidavit by her thumb impression. The petitioner being illiterate is not treated to be her disqualification and the petition is considered on its own merits.

2. During the course of hearing, serious grievance is made by the contesting eighth respondent that, the present public interest litigation is no less than an arm twisting technique by the son of an illiterate lady, against whom the eighth respondent has already sought police protection by filing W.P.(MD) No. 22973 of 2021, wherein the said person (son of the present petitioner) is the fifth respondent. This being a material aspect to test the bonafide of the present litigation, it would be appropriate if both the petitions are heard together. Registry to do needful.

3. List on 30.03.2022."

3. In compliance of the above order, papers of W.P(MD) No.22973 of 2021 are also placed before this Bench. We have heard learned advocates for the respective parties in both these petitions. While recording that, learned advocates in both the petitions are heard, we clarify that the same is done for the limited purpose of deciding the merits of W.P(MD) No.332 of 2022 (PIL) and not for the purpose of deciding the controversy of W.P(MD) No.22973 of 2021, which is otherwise required to be heard by learned Single Judge as per roster.

4. Having heard learned advocates for the respective parties and having considered the material on record, so also the stand of the State Authorities including learned Public Prosecutor standing as respondent in W.P(MD) No.22973 of 2021, we find that, pursuant to the grievance of the petitioner of W.P(MD) No.22973 of 2021, on 19



December 2021 the villagers - including the son of the petitioner in W.P(MD) No.332 of 2022, were called by the police and they were made to understand that the license is issued by the competent authority (to the petitioner of W.P(MD) No.22973 of 2021) and if the villagers are aggrieved, the remedy to them is to do needful challenging that license. It is in that continuation, W.P(MD) No.332 of 2022 (PIL) is filed on 03 January 2022. There is no whisper of this proceedings in the memo of petition of W.P(MD) No.332 of 2022. This petition therefore needs to be dismissed.

5. Keeping in view the fact that, the petitioner is an aged lady, who has filed this petition with her thumb impression, no harsh order is passed against her. It is also an admitted fact that the contesting respondent of W.P(MD) No.22973 of 2021 against whom serious allegations including of demanding money is made, is the son of the petitioner of W.P(MD) No.332 of 2022 (PIL). The conjoint consideration of the above leads to inescapable conclusion that, this petition, though styled as public interest litigation, is less for public interest, more for the interest of contesting respondent of W.P(MD) No.22973 of 2021. This petition therefore needs to be dismissed.

6. For the reasons recorded above, this writ petition is dismissed. No costs.

7. W.P(MD) No.22973 of 2021 be listed before appropriate Bench, as per roster.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn/37

To

1.The District Collector,
Virudhunagar, Virudhunagar District.

2.The Assistant Director,
Geology and Mines and Minerals Department,
Virudhunagar, Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.



4.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

5.The Block Development Officer (BDO),
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6.The President,
Mustakurichi Panchayat,
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Virudhunagar District.

7.The Village Administrative Officer,
Mustakurichi Panchayat,
Mustakurichi, Kariyapatti Taluk,
Virudhunagar District.

8.The Section Officer,
Writ Petition,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-16711[F] dated 05/04/2022)

+1 CC to M/s.T.PALANISAMY, Advocate (SR-16457[F] dated 04/04/2022)

W.P (MD) No.332 of 2022
04.04.2022

RK(25/04/2022) 4P 11C