



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2798 of 2022

Alagarsamy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.
Thoothukudi.

2.The Assistant Director of Mines,
Office of Assistant Director mines,
Collectorate Campus,
Korampallam,
Thoothukudi.

3.The Revenue Inspector,
Office of Revenue Inspector,
Kallugumalai,
Thoothukudi District.

4.The Village Administrative Officer,
Office of Village Administrative Officer,
Oothupatti,
Kovilpatti Taluk,
Thoothukudi District.

5.K.Senthil Nathan

... Respondents

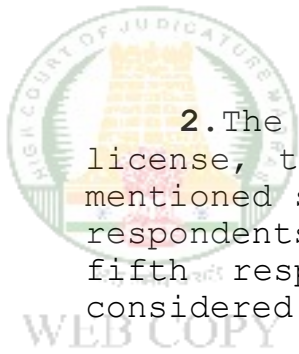
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 20.01.2022 and pass orders before granting quarrying lease / license to the fifth respondent for quarrying in the land in S.Nos.78/2 and 79/1 in Oothupatti Village, Kovilpatti Taluk, Thoothukudi District.

For Petitioner : Mr.S.Pon Senthil Kumaran

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to take action against the fifth respondent for illegal quarrying in the land in Survey Nos.78/2 and 79/1 and pass orders within a time frame to be fixed by this Court.



2.The case of the petitioner is that without a valid quarrying license, the fifth respondent is removing gravel from his property mentioned supra. He has given a representation on 20.01.2022 to the respondents 1 and 2 calling upon them to take action against the fifth respondent. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.S.Pon Senthil Kumaran, learned Counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader who accepts notice on behalf of respondents 1 to 4.

4.No prejudice would be caused to the official respondents if the representation of the petitioner dated 20.01.2022 is considered on merits and in accordance with law after hearing the petitioner as well as the fifth respondent.

5.It is the case of the petitioner that without quarrying license, the fifth respondent is removing gravel from his property comprised in Survey Nos.78/2 and 79/1 in Oothupatti Village, Kovilpatti Taluk, Thoothukudi District. Whether the said contention is true or not will have to be examined by the first and second respondents. In case it is found that the fifth respondent without a valid license has been illegally quarrying gravel in his property, necessarily the respondents 1 and 2 will have to take action against him in accordance with law.

6.For the foregoing reasons, this Court directs the first and second respondents to consider the petitioner's representation dated 20.01.2022 seeking for taking action against the fifth respondent for the alleged illegal removal of gravel by the fifth respondent and pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order after affording a fair opportunity of hearing to the petitioner and the fifth respondent.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
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3.The Revenue Inspector,
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4.The Village Administrative Officer,
Office of Village Administrative Officer,
Oothupatti,
Kovilpatti Taluk,
Thoothukudi District.

+1 CC to M/s.S. PON SENTHIL KUMARAN, Advocate (SR-5633[F] dated
11/02/2022)

+1 CC to M/s.SPL GP (SR-5886[F] dated 14/02/2022)

W.P. [MD]No.2798 of 2022
11.02.2022

ARK(CO)
KB(25.02.2022) 3P 7C