



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.5250 of 2022

and

W.M.P. (MD)No.4274 of 2022

Jeyakumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Thasildar,
Thiruvattar,
Kanyakumari District.

3.Centre for the Educare and Research Charitable Trust,
Rep. by its Managing Trustee,
C.Sree Kumar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the 2nd respondent in his proceedings in Na.Ka.No.A1/2208/2021 dated 21.03.2022 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel,
For Ajmal Associates

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 & R2.
Mr.N.Mohideen Basha for R3.

ORDER

Heard the learned senior counsel for the writ petitioner, the learned Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The petitioner challenges the enquiry notice dated 21.03.2022. It is seen that the said enquiry notice was issued pursuant to the direction given in W.P.(MD)No.2195 of 2022 on 03.02.2022. On 03.02.2022, a learned Judge of this Court passed the following order:-

"Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice of the respondents 1 to 5.

Issue notice to the sixth and seventh respondents



through Court and also privately returnable by 04.03.2022.

The fifth respondent/the Tahsildar, may make a field visit, after issuing notice to the petitioner and also to the sixth and seventh respondents, to examine the location where the mining is being conducted and file a report before this Court.

Call the matter again on 04.03.2022."

3.Only pursuant to the aforesaid direction, the impugned notice came to be issued. Therefore, the question of challenging the impugned notice independently does not arise at all. The second respondent has merely complied with the direction given by this Court. In my view, the writ petition itself is not maintainable and it stands dismissed. I make it clear that this is without prejudice to the rights and contentions of the petitioner in the other writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

To:

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Thasildar,
Thiruvattar,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-25157[F] dated 10/06/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25018[F] dated 10/06/2022)

W.P(MD)No.5250 of 2022
09.06.2022

NSN(CO)
KB(20.06.2022) 2P 5C