



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.8429 of 2022

and

W.M.P. [MD]No.6223 of 2022

WEB COPY

C.Mary Rajeswari

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director,
Geology and Mines,
Collectorate Complex,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sattur,
Virudhunagar District.
- 4.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.
- 5.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 6.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

7.E.K.S.Senthil Kumar

8.E.K.S.Siva Kumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 to inspect the property covered under S.No.791/5 and the properties situated in S.No.711/2B of Ilanthirai Kondan Village, Rajapalayam Taluk, Virudhunagar District and proceed against the respondents 7 and 8.



For Petitioner : Mr.M.Ashok Kumar
For Respondents 1 to 6 : Mr.P.Thilak Kumar
Government Pleader

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O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 6 to inspect the property covered under S.No.791/5 and the properties situated in S.No.711/2B of Ilanthirai Kondan Village, Rajapalayam Taluk, Virudhunagar District and legally proceed against the respondents 7 and 8 for the alleged illegal mining done by them.

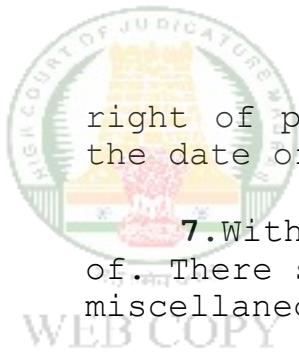
2.The grievance of the petitioner is that the respondents 7 and 8 are doing illegal quarrying in a property adjoining the petitioner's property.

3.The petitioner has sought for a positive direction in this writ petition, which cannot be granted by this Court at this stage. The only relief that can be granted is to direct the official respondents to consider the petitioner's representation seeking for legal action against the seventh and eighth respondents after affording a fair hearing to the petitioner, the seventh and eighth respondents. Learned Counsel for the petitioner is agreeable for the same.

4.The petitioner has filed documents along with this writ petition including photographs to substantiate her claim that the seventh and eighth respondents are carrying on illegal mining in their properties. It is for the respondents to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner as well as the seventh and eighth respondents.

5.Without expressing any opinion on the merits of the matter, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation dated 12.04.2022 is considered on merits and in accordance with law by the official respondents after affording a fair hearing to the petitioner and the seventh and eighth respondents.

6.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation dated 12.04.2022 seeking for legal action against the seventh and eighth respondents for the alleged illegal mining of red sand in respect of their property comprised in S.No.791/5 and the properties situated in S.No.711/2B of Ilanthirai Kondan Village, Rajapalayam Taluk, Virudhunagar District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the seventh and eighth respondents, including granting them the



right of personal hearing within a period of three [3] months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Assistant Director,
Geology and Mines,
Collectorate Complex,
Virudhunagar District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sattur, Virudhunagar District.
4. The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.
5. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
6. The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-22260[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-23058[F] dated 29/04/2022)

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