



W.P.(MD)No.22375 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22375 of 2022

1.Ganesan

2.Palani

3.Sekar

4.Pitchaikani

... Petitioners

Vs.

1.The Director,
Department of Geology and Mining,
SIDCO Industrial Estate,
Guindy,
Chennai 600 032.

2.The Executive,
Department of Geology and Mining,
SIDCO Industrial Estate,
Guindy,
Chennai 600 032.

3.The District Collector,
Virudhunagar District.

4.The Assistant Director,
Department of Geology and Mining,
Virudhunagar District Collector Office Campus,
Virudhunagar District.

5.Pradeep Rajkumar

... Respondents



W.P.(MD)No.22375 of 2022

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 1 to 4 respondents to stop the mining and taking of sand and soil by 5th respondent in Kurnadi Village, Kariyapatti Taluk, Virudhunagar District and to save petitioners village, by considering the petitioners representation dated 26.08.2022 within stipulated time fixed by this Honble Court.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents 1 to 4 : Mr.Veera Kathiravan,
Additional Advocate General,
Assisted by Mr.Shanmugavel,
Additional Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the respondents 1 to 4 to stop mining and taking of sand and soil by the 5th respondent in Kurnadi Village, Kariyapatti Taluk, Virudhunagar District and to save petitioners' Village, by considering the petitioners' representation dated 26.08.2022 within a time frame.

2. Heard Mr.S.Vishnuvardhan, learned counsel for the petitioners and Mr.Veera Kathiravan, learned Additional



W.P.(MD)No.22375 of 2022

Advocate General, assisted by Mr.S.Shangugavel, learned Additional Government Pleader, appearing for the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. Alleging that the 5th respondent, who has been granted permission by the 4th respondent to take the gravel sand from Survey Nos.27/8B1, 32/1A1, 32/1B1A1, measuring an extent of 1.5583 Hectare in Na.No.Ke.Vi.3/714/2022 dated 03.08.2022, from 04.08.2022 to 03.08.2022, is digging the land and taking sand from all places surrounding the petitioners' village and particularly in the canal and water course, due to which the water flowing into the ponds got blocked and there is a serious threat to the ground water level, the petitioners and other villagers jointly submitted a representation to the official respondents on 16.08.2022 and the same, according to the learned counsel for the petitioners, remains as such.



W.P.(MD)No.22375 of 2022

5. Learned counsel for the petitioners would further submit that though the petitioners have sought for a larger relief, they would be satisfied if a direction is issued to the third respondent – District Collector to consider the representation of the petitioners dated 26.08.2022, in accordance with law.

6. Considering the limited scope of the prayer now sought for by the petitioners, without expressing any opinion on the merits of the claim made by the petitioners either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioners dated 26.08.2022 and after affording an opportunity of hearing to the petitioner and the fifth respondent, pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.09.2022

Internet : Yes/No
Index : Yes / No
sj



W.P.(MD)No.22375 of 2022

WEB COPY

To

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W.P.(MD)No.22375 of 2022

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and

J.SATHYA NARAYANA PRASAD, J.

sj

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