



W.P.(MD)No.25221 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25221 of 2022

Sathish Kumar, S/o.Padmanabhan Pillai

.. Petitioner

Versus

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director,
Mines and Minerals Department,
Nagercoil, Kanyakumari District.

3.The Tahsildar,
Taluk Office,
Vilavancode,
Kanyakumari District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to remove the rock in his land in Survey Nos.120/2, 120/3 and 120/6C, situated at Nattalam-A Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.R.Ragavendran
Government Advocate



W.P.(MD)No.25221 of 2022

ORDER

WEB COPY

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to permit him to remove the rock in his land in Survey Nos. 120/2, 120/3 and 120/6C, situated at Nattalam-A Village, Vilavancode Taluk, Kanyakumari District.

2. Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he purchased the properties in S.Nos. 120/2 and 120/3, situated at Natham 'A' Village, Vilavancode Taluk, Kanyakumari District, from one Alex N.Pratab Singh Kulan, S/o.Nagulan, through a registered sale deed, bearing Document No.205/2019 and one Sutheer Singh Kulan, S/o.Nagulan, in Document No.206/2019. Thereafter, the petitioner's grandmother, namely, Sumathi had executed a Will, dated 10.08.1994, with respect to the property bearing S.No.120/6C along with some other properties. In the said circumstances, the National Highways Authority of India had acquired the land for establishing Cochin -Kanyakumari National Highways. The National Highways Authority of India has demolished the petitioner's house, situated at the land, where the Cochin Highway Road was



W.P.(MD)No.25221 of 2022

formed by the National Highways Authority of India and the petitioner has no house at his native place. Hence, the petitioner is trying to construct a new house in his land, but, he is not able construct the same, because of the presence of the rock inside the petitioner's land. Therefore, he submitted a representation to the first respondent, seeking permission to remove the rock in his land and use the rock stone for construction of a building. But, there is no response. Hence, the petitioner sent a representation to the respondents 1 and 2. Thereafter, the first respondent forwarded the representation to the Sub-Collector, Padmanabapuram, and the third respondent herein and directed them to enquire and file a report. But, they have not taken any steps. Hence, the petitioner has approached this Court by way of filing the present Writ Petition, seeking a direction to the second respondent to grant permission to remove the rocks in his land.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that in and around the petitioner's land, residential houses are situated. If the petitioner obtains No Objection Certificate from all the adjacent land/house owners and submits the same before the Village Administrative Officer along with approved plan and other necessary documents, the same would be considered and appropriate orders would be passed by the third respondent. The same was reiterated by the third



W.P.(MD)No.25221 of 2022

respondent, vide his letter in Aa1/605/2022, dated 15.07.2022 and the same was also communicated to the petitioner. However, the petitioner has not approached him along with relevant documents.

5. Considering the aforesaid submission made by the learned Government Advocate appearing for the respondents, this Court directs the petitioner to approach the respondents along with all the relevant documents. On receipt of the said documents, the respondents are directed to consider the petitioner's request and pass appropriate orders, permitting him to remove rocks, by using cutting machines, within a period of four weeks thereafter.

6. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
smn2

07.11.2022

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director,
Mines and Minerals Department,
Nagercoil, Kanyakumari District.



W.P.(MD)No.25221 of 2022

3. The Tahsildar,
Taluk Office,
Vilavancode,
Kanyakumari District.



WEB COPY



W.P.(MD)No.25221 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.25221 of 2022

07.11.2022