



W.P(MD)No.261

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26049 of 2022

Gopalan

..Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.

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

4.The Tahsildar,
Taluk Office,
Killiyur,
Kanyakumari District.

..Respondents



W.P(MD)No.26

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to remove the rock in his land in Resurvey No.396/15 situated at Keelakulam Village, Killiyur Taluk, Kanyakumari District by using air compressor based on the representation, dated 28.09.2022 and the appropriate orders.

For Petitioner

:Mr.S.Muniyandi

For R1 to R4

:Mr.R.Ragavendran

Government Advocate

ORDER

The Petitioner has filed this Writ Petition seeking a direction to the respondents to permit the petitioner to remove the rock in his land in Resurvey No.396/15 situated at Keelakulam Village, Killiyur Taluk, Kanyakumari District by using air compressor based on the representation, dated 28.09.2022 and pass appropriate orders.

2.Heard Mr.S.Muniyandi, learned Counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner purchased the property in Resurvey No.396/15 situated at Keelakulam



W.P(MD)No.261

WEB COPY

Village, Killiyur Taluk, Kanyakumari District from one Pushbharanjan son of Chellappan by a registered Sale Deed in Doc.No.2134/2020. After purchasing the property, the petitioner and his family members enjoyed the property without any encumbrances. He has no house at his native place. Hence, the petitioner is trying to construct a new house in his land, but he could not able to construct the house because the rock is available inside his land. Hence, he could not able to utilize the land for any purposes and he could not able to construct the house. There is a small rock is available in the land and he should remove the rock for construction of a house. If otherwise, he could not able to construct any house any his land. Hence, he appeared in person for several times before the first respondent's office and requested to give permission to remove the rock for construction of a house at the land. But, there is no fruitful result. Hence, he sent a representation on 28.09.2022 to the respondents to give permission for removal of rock. But the respondent did not take any steps till date. If the second respondent had permitted him to remove the rocks, there is no untoward incident would occurred. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Government Advocate appearing for the respondents would submit that if the petitioner produces the original documents of the said land, plan approval of the said site, the revenue records to show that the petitioner and his family members are



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in possession and enjoyment of the same, the photographs of the said rocks and No Objection Certificate from the neighbours, the respondents are ready to consider the petitioner's request.

5. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation, dated 28.09.2022 and pass orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Index : Yes/No
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W.P(MD)No.26

WEB COPY

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WEB COPY



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V.BHAVANI SUBBAROYAN, J.

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