



W.P.No.11623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11623 of 2023

1.N.Natarajan
2.M.Kumarasamy

.. Petitioners

Vs

- 1.The District Collector,
Tiruppur Collectorate,
Tiruppur District.
- 2.The Assistant Director of Geology and Mines,
Tiruppur Collectorate,
Tiruppur.
- 3.The District Environmental Engineer,
The Tamil Nadu Pollution Control Board,
(Tiruppur District-North)
Kumaran Complex, Kumaran Road,
Tiruppur-641 601.
- 4.V.P.S. Stone Quarry,
rep. by K.Palanisamy
Door No.39, Sengadu,
Rakkiyaapalayam Village, Uthukuli Taluk,
Tiruppur District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to prevent the fourth respondent from carrying on any quarrying activities in Survey No.263/2 in Sengadu, Rakkiyaapalayam Village, Uthukuli Taluk, Tiruppur District.

For the Petitioners : Mr.C.Santhosh Kumar

For the Respondent : Mr.P.Muthukumar
State Government Pleader
for respondents 1 and 2

: Mrs.Shanmugavalli Sekar
for 3rd respondent

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

The application, being W.M.P.No.11527 of 2023, filed to permit the petitioners to file a single writ petition is allowed, inasmuch as they have paid separate set of court-fee.

2. The petitioners have filed this writ petition seeking issuance of a writ of mandamus to direct respondents 1 and 2 to prevent the fourth respondent from carrying on any quarrying activities in Survey



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No.263/2 in Sengadu, Rakkiyaapalayam Village, Uthukuli Taluk,
Tiruppur District.

3. A perusal of the representation dated 10.3.2023 made by the petitioners to the second respondent shows that the petitioners have requested the second respondent not to grant or renew the licence issued in favour of the fourth respondent. However, the petitioners have not sent any representation to the respondent authorities to prevent the fourth respondent from carrying on any quarrying activities in the land in question till the renewal of licence or refusal thereof.

4. It is trite that a prayer for issuance of writ of mandamus can be maintained only if there is a demand and a consequent refusal. The power to issue a mandamus has to be exercised only when the government or a public authority has failed to exercise or has wrongly exercised the discretion conferred upon it by a statute or a rule or policy decision or has exercised such discretion mala fide or on irrelevant considerations and materials. In the case on



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hand, there is no such demand or refusal. Ex consequenti, the writ petition for issuance of a mandamus is not maintainable.

For the foregoing reasons, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.11528 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
18.04.2023

Index : No
Neutral Citation : No
sasi

To:

- 1.The District Collector,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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