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W.P.No.19701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19701 of 2023
and
W.M.P.No.18992 of 2023

K.Govindasamy

... Petitioner

VS.

- 1.The District Collector,
Tiruvallur District,
Tiruvallur-602 001.
- 2.The Sub-Collector,
Ponneri Revenue Divisional Office,
Ponneri-601 204,
Tiruvallur District.
- 3.The Tahsildar
Ponneri Taluk Office,
Ponneri-601 204,
Tiruvallur District.
- 4.The Block Development Officer/
Panchayat Commissioner,
Minjur Panchayat Union,
Minjur-601 203,
Ponneri Taluk, Tiruvallur District.



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5.T.S.Muthu,
Village Panchayat President,
Thiruvellaivoyal Village,
Ponneri Taluk-601 204,
Tiruvallur District.

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take necessary action against the 5th respondent upon the representation of the petitioner, dated 06.05.2023 in accordance with law by not allowing him from removing and digging earth from the Government land, comprised in Survey No.145/3, measuring an extent of 0.31.0 hectare (i.e.) 0.77 acre, situate at No.84, Thiruvellaivoyal Village, Ponneri Taluk, Tiruvallur District.

For Petitioner	: Mr.R.Munuswamy
For R1 to R3	: Mr.P.Anandakumar Government Advocate
For R4 and R5	: Mr.C.Selvaraj Additional Government Pleader

ORDER

The petitioner herein seeks to issue a Writ of Mandamus, directing the 1st respondent to take necessary action against the 5th respondent based on the representation of the petitioner dated 06.05.2023.

2. It is the specific case of the petitioner that the 5th respondent is



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engaged in digging and removal of earth from the Government land comprised in Survey No.145/3 measuring to an extent of 0.31.0 hectare situated in Thiruvellaivoyal Village, Ponneri Taluk, Tiruvallur District.

3. Mr.P.Anandakumar, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.C.Selvaraj, learned Additional Government Pleader takes notice for the respondents 4 and 5.

4. The learned Additional Government Pleader appearing for the respondents 4 and 5, on instructions, submits that based on the Panchayat Resolution, an administrative sanction has been given by the 1st respondent in Permission No.2902003050/2023-24 for putting up Percolation Pond in S.No.145/3, which is classified as 'Water Tank' in the revenue records.

5. The main grievance of the petitioner is that the 5th respondent is indulging in removing of the earth from S.No.145/3 without any authority. Therefore, the petitioner has submitted a representation dated 06.05.2023 to the 5th respondent and copy of the same was sent to the respondents 1 to 3. Since the representation of the petitioner was not considered by the



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respondents, the petitioner has come up by way of this writ petition.

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6. In such circumstances, without going into the merits of the case, this Court is inclined to issue a direction to the 1st respondent to consider the representation of the petitioner dated 06.05.2023 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

10.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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5. T.S.Muthu,
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S.SOUNTHAR, J.

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