



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 27108 of 2022

K.Kalaiarasan

... Petitioner

..Vs..

1. The District Collector
O/o. District Collector
Mailaduthurai District.
2. The Thasildhar
O/o. Thasildhar Mailaduthurai
Mailaduthurai District.
3. The Assistant Director
Mines and Minerals
O/o. Mines and Minerals Office
Nagapattinam District.
4. The Superintendent of Police
O/o. Superintendent of Police
Mailaduthurai District.
5. Mr.Jayaraman @ Meesai Jayaraman

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents 1 to 4 to take action on the petitioner complaint dated 26.07.2022.



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For Petitioner

:: Mr. P.Muthamizhselvakumar

For RR 1 to 4

:: Mr. U.Baranidharan
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondent more particularly against the second respondent / Thasildhar, Mailaduthurai and the third respondent / the Assistant Director, Mines and Minerals, Nagapattinam District, to examine the representation given by the petitioner dated 26.07.2022.

2. In the affidavit filed in support of the Writ Petition, the petitioner had stated that he is a permanent resident of No. 7/4, Palanimalai Nagar, Dhathankuppam, Villivakkam, Chennai – 600 049. However he also has a property at S.No. 279, measuring an extent of 35 cents in South Street, Kiliruppu Village, Manakudi Panchayat, Mailaduthurai District. The property had been enjoyed by his parents and his grandparents and it is claimed it had been given to them by the Dharmapuram Aadheenam nearly more than 75 years back. In that property, the petitioner had constructed a hut and is paying house tax and water tax to the Managudi Panchayat. He



also cultivates vegetables and also maintains cattle. Owing to the lock down consequent to Covid-19 pandemic, the petitioner had come back to Chennai and could not go back to the property for atleast 1 ½ years. In the meanwhile, he came to know that the fifth respondent / Jayaraman @ Meesai Jayaraman, who is a resident of the village had used JCB machines had taken sand from the property of the petitioner herein. Complaining that inspite representations made no action had been taken, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioner and also the learned Additional Government Pleader appearing for the respondents 1 to 4.

4. The matter had been adjourned for two occasions for instructions to be obtained but today it is stated by the learned Additional Government Pleader stated that the third respondent / Assistant Director, Mines and Minerals, Nagapattinam District, is the competent authority to take action but a report will have to be given to Thasildhar, who is the second respondent. It is also stated that the fifth respondent and the petitioner are relatives.



5. A direction is issued to the second respondent/ Thasildhar to make a spot visit of the places of the petitioner. Before doing so he should issue notice to the petitioner and to the fifth respondent and in the presence of both of them examine the place of the petitioner as aforementioned and prepare a report and thereafter place it before the third respondent. The third respondent is also under an obligation to take necessary action as is required in law. The entire process should be completed on or before 31.03.2023.

6. The Writ Petition stands disposed of. No order as to costs.

15.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The District Collector
O/o. District Collector
Mailaduthurai District.



WEB COPY



2. The Thasildhar
O/o. Thasildhar Mailaduthurai
Mailaduthurai District.
3. The Assistant Director
Mines and Minerals
O/o. Mines and Minerals Office
Nagapattinam District.
4. The Superintendent of Police
O/o. Superintendent of Police
Mailaduthurai District.

C.V.KARTHIKEYAN, J.,



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