



W.P.No.32650 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.32650 of 2019

and

W.M.P.No.33052 of 2019

P.Kalaiselvan

...Petitioner

vs.

1. The District Collector,
Perambalur District,
Perambalur - 621 212.
2. The Assistant Geologist,
Department of Geology and Mining,
Perambalur, Perambalur District.
3. D.Sundararajan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 herein to take legal action against 3rd respondent herein by considering the petitioner's representation dated 13.11.2019.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.K.M.D.Muhilan, AGP, for R1 & R2
: Mr.E.C.Ramesh, for R3



W.P.No.32650 of 2019

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ORDER

This Writ Petition has been filed seeking direction to the 1st & 2nd respondents to consider the petitioner's representation dated 13.11.2019 and to consequently, take necessary action against 3rd respondent.

2. The case of the petitioner is that the 1st and 2nd respondents executed a lease deed dated 25.10.2017 in favour of the petitioner, in respect of the land comprised in Survey Field No.139/1(Part), situated at Esanai Village, Perambalur, for the purpose of quarrying and carrying away minor minerals for a period of 10 years from 25.10.2017 to 24.10.2027. The official respondents herein issued another notification, vide proceedings bearing Na.Ka.No.208/2014/PU(MA)SU dated 21.02.2019, calling for mining ordinary stones quarry tender and general auction, in respect of the Survey Field No.43/1 (Part), Block-2, Keelakarai Village, Perambalur and the 3rd respondent herein came out as the successful bidder in the same. While so, the 3rd respondent is illegally quarrying the adjacent land in S.F.No.43/1 and also in the land comprised in S.F.No.139/1(Part), which is



W.P.No.32650 of 2019

leased out to the petitioner and preventing the petitioner from quarrying the said land. Aggrieved by the said act of the private respondent, the petitioner made a complaint before the 1st and 2nd respondents, which evoked no response. Therefore, the petitioner made a representation dated 13.11.2019 before the 1st and 2nd respondents, requesting to take necessary action against the 3rd respondent, however, till date, no orders have been passed on the said representation. Hence, this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st and 2nd respondents to consider the petitioner's representation dated 13.11.2019 and to consequently, take legal action against 3rd respondent, as expeditiously as possible.

4. Learned Additional Government Pleader appearing for the 1st and 2nd respondents submitted that, pursuant to the representation / complaint made by the petitioner, on 23.11.2019, the above said lands were inspected by the Special Revenue Inspector (Mines), VAO and Survey Official, during which, the petitioner and the 3rd respondent were also present. After



W.P.No.32650 of 2019

inspecting the said lands, it is found that, 3rd respondent has not done any quarrying activity as stated by the petitioner and the land in S.F.No.43/1(p) was identified, demarcated and measured in the presence of both the parties and the same was accepted by them and further the 3rd respondent was informed not to interfere with the legal quarrying operation of the petitioner. Accordingly, he prayed for dismissal of this Writ petition.

5. On the above said contentions, heard learned counsel appearing for the 3rd respondent and perused the materials placed on record.

6. In view of the above submissions made by the learned Additional Government Pleader appearing for the official respondents, this Court is of the view that, no further adjudication is required in this Writ petition, since it is evident from the counter affidavit filed by the 1st respondent that, no illegal quarrying was carried out by the 3rd respondent as alleged by the petitioner.

7. For the reasons aforesaid, this Writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.



W.P.No.32650 of 2019

10.03.2023

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NCC : Yes/No
Index : Yes/No
Speaking order : Yes/No

To:

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Perambalur - 621 212.
2. The Assistant Geologist,
Department of Geology and Mining,
Perambalur,
Perambalur District.



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W.P.No.32650 of 2019

M.DHANDAPANI., J.

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W.P.No.32650 of 2019

10.03.2023