



W.P(MD)No.7253 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7253 of 2022 and
WMP(MD) No.5495 & 5496 of 2022

Ramar

... Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director,,
Geology and Mines and Minerals
Department,
Virudhunagar,
Virudhunagar District.
- 3.The Tahsildar,,
Kariyapatti Taluk,
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 5.The Block Development Officer, (BDO),
Kariyappatti Panchayath Union,
Kariyapatti, Virudhunagar District.



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6.The President,,
Mustakurichi Panchayat,
Mustakurichi,
Kariyapatti Taluk,
Virudhunagar District.

7.The Village Administrative Officer,
Mustakurichi Panchayath,
Mustakurichi, Kariyapatti Taluk,
Virudhunagar District.

8.Chithira Velu,

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned license order in Na.Ka. KV3/869/2021 dated 13.12.2021 granted by the 2nd Respondent to the 8th Respondent and quash the same as illegal and consequently direct the 1st and 2nd Respondents to ensure that there were no mining activities carried out near the pond by name Chinnakanmoi, Mustakurichi Village, Kariyapatti Taluk, Virudhunagar District and the pond to be restored to it original shape.

For Petitioner	: No appearance
For R1 to R7	: Mrs.D.Farjana Ghoushia Special Government Pleader



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ORDER

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This writ petition is filed challenging the grant of quarry license issued by the second respondent/the Assistant Director, Geology and Mines and Minerals Department, Virudhunagar District to the eighth respondent for carrying out mining in a land in S.No. 226/8, 232/1B, 232/4B and 232/5, Mustakurichi Village, Kariyapatti Taluk on the ground that the subject lands are located near Chinna Kanmoi Pond and several acres of agricultural lands are depending upon the Chinna Kanmoi for irrigation.

2.This writ petition was filed in the year 2022 and it was entertained by this Court on 19.04.2022. When this writ petition was taken up for hearing on 15.09.2023, there was no representation for the petitioner. The learned Special Government Pleader appearing for the official respondents by referring the counter affidavit filed by the Assistant Director, Geology and Mines and Minerals, Virudhunagar submitted that there is no violation in grant of quarry



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license to the eighth respondent and the license is for a period of one year and as on date, the license period itself is over.

3.Considering the submissions made by the learned Special Government Pleader and as there was no representation for the petitioner after filing of the counter affidavit by the respondents, this writ petition was ordered to be listed on 22.09.2023 under the caption 'for orders' and a direction was issued to the Special Government Pleader to intimate about the listing of this writ petition to the petitioner through the Village Administrative officer.

4.On 22.09.2023, when this writ petition was taken up for hearing, there was no representation for the petitioner. The learned Special Government Pleader submitted that the earlier order of this Court was duly intimated to the petitioner's counsel and the petitioner as well. In order to provide an opportunity to the petitioner, this writ petition was once again ordered to be listed on 29.09.2023.



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5.Today (29.09.2023), when this writ petition is taken up for hearing, there is no representation for the petitioner. The Deputy Director, Geology and Mining, Virudhunagar has submitted a report before this Court that the orders of this Court, dated 15.09.2023 was duly communicated to the petitioner and he was also directed to be present before this Court today. The petitioner has received the copy of the communication also. Even then, there is no representation for the petitioner either in person or through a counsel.

6.Considering this attitude of the petitioner that after filing of the counter affidavit by the respondents, the petitioner was not represented by a counsel and he has not appeared before this Court in person, this Court is of the view that this writ petition is filed with some ulterior motive and this Court has been utilized as a tool for the same.



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7.In view of the above, this writ petition is dismissed with a cost of Rs.50,000/-, which has to be paid by the petitioner to the 'Kalaingar Centenary Library' within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director,,
Geology and Mines and Minerals
Department,
Virudhunagar,
Virudhunagar District.
- 3.The Tahsildar,,
Kariyapatti Taluk,
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4.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

5.The Block Development Officer, (BDO),
Kariyappatti Panchayath Union,
Kariyapatti, Virudhunagar District.

6.The President,,
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Mustakurichi,
Kariyapatti Taluk,
Virudhunagar District.

7.The Village Administrative Officer,
Mustakurichi Panchayath,
Mustakurichi, Kariyapatti Taluk,
Virudhunagar District.

8.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

9.Kalaighnar Centenary Library,
Natham Road,
Race Course Colony,
Ramaond Reserve Line,
Naganakulam,
Madurai -625 002.



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B.PUGALENDHI, J.

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Order made in
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29.09.2023