



W.P.(MD).No.14852 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.09.2023**

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CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.14852 of 2023

Robert Wilson

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Sub Collector,
Padmanabhapuram,
Thackalay,
Kanyakumari District.

3.The Assistant Director,
Department of Geology and Mining,
Nagercoil,
Kanyakumari District.

4.The Assistant Director of Fisheries,
Kanyakumari District,
Nagercoil.

5.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to grant extension of time for transport of rough stones and soil from the petitioner property in Sy.No.494/IA2A (New Sy.No.494/30) in Vilathurai Village, Villvancode Taluk to land in Sy.No.143/2, Ezhudesam B Village, Vilavancode Taluk, Kanyakumari District on the proceeding of the first respondent in Na.Ka.No.268/Pu.Ma.Ka/2021 dated 13.08.2022.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent to grant extension of time for transporting rough stones and soil from the petitioner's property in Survey No.494/IA2A (New Survey No.494/30) situated in Vilathurai Village, Villvancode Taluk to the land in Sy.No.143/2, Ezhudesam B Village, Vilavancode Taluk,



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Kanyakumari District, based on the proceedings of the first respondent in Na.Ka.No.268/Pu.Ma.Ka/2021, dated 13.08.2022.

2. The petitioner claims that he was granted permission for forming a fishery pond in the property in Survey No.494/IA2A and he has submitted applications before the first respondent for removing rough stones and soil found in the said land and the first respondent has also granted permission for removing the rough stones and soil and transporting it to the land in Sy.No.143/2, Ezhudesam B Village, Vilavancode Taluk, Kanyakumari District. However, the petitioner was unable to remove the stones within the time granted by the first respondent due to rainy season. Hence, the petitioner seeks a direction to the first respondent to grant extension of time for removing rough stones and soil from his property and transporting it.

3. The learned Special Government Pleader appearing for the respondents submits that the petitioner has already been granted permission thrice for removing the rough stones and soil found in his land and transporting it to some other land. Though he was granted



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sufficient time, still he is seeking extension of time for removing the rough stones and soil from his land, and transporting it. Even if any rough stones are found in the petitioner's land, necessary permission has to be obtained from the Authority to remove those stones as per the provisions available under the Tamil Nadu Minor Minerals Concession Rules, 1959.

4. This Court considered the rival submissions made by both sides.

5. It appears that the petitioner was granted permission for forming fishery pond by the fourth respondent in Survey No.494/IA2A and he has submitted applications before the first respondent for removing rough stones and soil found in the said land and the first respondent has also granted permission thrice for removing the rough stones and soil from the petitioner's land and transporting it to some other place. Though sufficient opportunity has been given to the petitioner, the petitioner has not removed the rough stones and soil from his land. Hence, this Court is not inclined to entertain the present writ petition.



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6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

29.09.2023

Index: Yes/No
Internet: Yes/No
ssb

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