



WP(MD)No.16771 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD).No.16771 of 2023 and
WMP(MD) No.13997 of 2023

V.Vijayakumar

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Nagercoil-629001.

2.Nagercoil City Municipal Corporation,
Rep by its Commissioner,
Nagercoil,
Kanyakumari District.

3.The Assistant Director,
Geology and Mines,
Nagercoil,
Kanyakumari District.

4.The Tahsildar,
Agateheeswaram Taluk,
Nagercoil,Kanyakumari District.

5.Thiyagarajan,
6.M.J.Celestine

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to take necessary actions against the fifth respondent by preventing him from storing Mines and Minerals (M.Sand, Jalli and Bricks) in the premises of the sixth respondent next to the petitioner's house in No. 15E1, Varuvel Compound, Thattanvilai Road, Keezharamaputhoor, Nagercoil.

For Petitioner : Mr.T.Antony Arulraj
For R1,R3 & R4 : Mrs.D.Farjana Ghaushia
Special Government Pleader
For R2 : Mr.F.Deepak
For R5 : Mr.G.Anto Prince

ORDER

This writ petition is filed for a Mandamus, directing the respondents 1 to 4 to take necessary action against the fifth respondent from storing M.Sand, Jalli and Bricks in the premises of the sixth respondent next to the petitioner's house No. 15E1, Varuvel Compound, Thattanvilai Road, Keezharamaputhoor, Nagercoil.



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2.The case of the petitioner is that the fifth respondent has stocked the minerals such as M.Sand, Jalli and Bricks in the premises of the sixth respondent, without obtaining any license from the competent authority. Since the dust and fine particles released from the stored minerals causes nuisance to the nearby residents, the petitioner, being one of the nearby residents has submitted a representation to the legal aid authority and another representation to the Commissioner, Nagercoil Corporation. He also sent a representation to the Tahsildar, Agatheeswaram and filed this writ petition that the respondents have not acted upon it.

3.Today (12.07.2023), when this writ petition is taken up for hearing, the learned Special Government Pleader, who takes notice for the respondents 1,3 & 4 produced a written instructions, which she has received from the Tahsildar, Agatheeswaram Taluk that based on the representation of the petitioner, they have conducted an inspection and also warned the fifth respondent not to store minerals without



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obtaining any valid permit under the Tamil Nadu Prevention of Illegal Mining Transportation and Storage of Minerals and Mineral Dealers' Rules, 2011. It is also reported that pursuant to the warning given by the Tahsildar, the fifth respondent has cleared all the minerals from the premises of the sixth respondent, adjacent to the petitioner's house.

4. Recording the submission made by the learned Special Government Pleader, this writ petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.07.2023

NCC : Yes / No.
Index : Yes / No.
vrn



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B.PUGALENDHI, J.

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