



W.P.(MD) No.24050 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

THE HONOURABLE **MR.D.KRISHNAKUMAR,**

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.24050 of 2018

and

W.M.P.(MD)No.21756 of 2018

B.E.Jeyakumar

... Petitioner

-Vs-

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

3.The Executive Engineer,
Public Works Department,
Nagercoil, Kanyakumari District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein especially, to the 3rd respondent herein to forbear from removing the sand and soil from the



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Puthukulam Tank situated in R.S.No.57 of the Vadasery Village, now Kanyakulam Village, Kanyakumari District and thereby stop the illegal deepening of the said Tank and illegal transportation of sand and soil from the said Tank, based on the petitioner's representation dated 06.09.2018.

For Petitioner : Ms.D.Ramya

For Respondents : Mr.P.Thilakkumar,
Government Pleader

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

It is the case of the petitioner that in order to remove mud and waste in Puthukulam Tank, situated at R.S.No.57, Kanyakulam Village, Kanyakumari District, the 3rd respondent engaged a contractor. After removing the same, since the contractor has continued the work of widening and deepening the tank in question by removing sand and soil, the petitioner made a representation to the authorities concerned to take action against the contractor. Since the same has not been considered, he has filed this Writ Petition.

2.On perusal, we are of the view that without impleading the contractor, against whom the petitioner wants to take action, he has filed this Writ Petition.



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Therefore, we are not constrained to pass any orders, directing the authorities concerned to take action against the contractor for the illegal transportation of the sand and soil. Hence, this Writ Petition is dismissed for not impleading necessary parties. However, this order will not stand in the way of the authorities concerned to take action against the illegal transportation of the sand and soil from the tank in question. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., A.C.J.] & [R.V., J.]
26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

- 1.The District Collector,
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AND

R.VIJAYAKUMAR, J.

Yuva

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