



W.P.(MD) No.24236 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.24236 of 2018
and
W.M.P.(MD) No.21919 of 2018**

A.Vins Anto

... Petitioner

-VS-

1.The District Collector
Kanyakumari District
Nagercoil

2.The Assistant Director of
Geology & Mines
The Collectorate Campus
Nagercoil, Kanyakumari District

3.The Revenue Divisional Officer
Padmanabapuram, Thukkalay
Kanyakumari District

4.The Tahsildar
Vilavancode Taluk
Kanyakumari District

5.M.Charles

6.P.Jeyakumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to grant permission in any private land only on following the procedure as prescribed under law and after considering environmental impact and further to take necessary action for the violation of the condition of the permission for removal of shifting of sand.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.David Ganesan for R5
No appearance for R6

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 4 to grant permission for removal of sand in any private land only on following the procedure as prescribed under law and after considering environmental impact and to take necessary action for the violation of the condition of the permission for removal of shifting of sand.

2. According to the petitioner, the respondents 5 and 6 had obtained permission from the first respondent to remove the sand from their



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own land for the purpose of construction activities and shift it to the some other land belonging to them. However, contrary to such permission obtained, they sold the sand in the open market, which requires necessary action to be taken by the authority concerned. Ventilating the same, the petitioner has given a representation dated 23.11.2018 to the official respondents. However, no action was taken on the petitioner's representation. Hence, this writ petition.

3. Learned Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that if the allegations of the petitioner are genuine, the authority concerned will take necessary action against the persons concerned.

4. In view of the above submissions and taking into consideration the facts and circumstances of the case, we direct the first respondent to take necessary action in accordance with law, after providing due opportunity to the parties concerned, if there is any violation of the conditions of the permission granted for shifting of sand and the allegations of the petitioner are found to be genuine.



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5. With the above direction, this writ petition is disposed of. 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

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To:

- 1.The District Collector,
Kanyakumari District,
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- 2.The Assistant Director of
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Kanyakumari District.
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