



W.P(MD)No.23575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.23575 of 2024
and
WMP(MD)No.19973 of 2024**

Albert Raj

... Petitioner

vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Assistant Director,
Geology and Mining,
Collectorate Campus,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.

4. The Proprietor,
RRM Blue Metals,
Kayalkarai,
Meycode Village,
Thiruvattar Taluk,
Kanyakumari District.

5. R.Sankar



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6. R.Jegan

7. R.Karthikeyan

8. Paulraj
Proprietor,
APJ Bluemetals,
Kayalkarai,
Ponmanai Village,
Thiruvattar Taluk,
Kanyakumari District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to prevent the ongoing illegal quarry in the Government land in Survey No.804/1 admeasuring 24.31.5 hectares of Meycode Village, Thiruvattar Taluk, Kanyakumari District and consequently direct respondents 1 to 3 to take necessary action against the respondents 5 to 8 for their illegal and excessive quarry in Survey No.804/1 of Meycode Village, Thiruvattar Taluk, Kanyakumari District.

For Petitioner : Mr.C.Raja Kumar
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

This writ petition has been filed for a Mandamus, directing the respondents 1 to 3 to prevent the ongoing illegal quarry in the Government land in Survey No.804/1, admeasuring 24.31.5 hectares in Meycode Village,



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Thiruvattar Taluk, Kanyakumari District and consequently direct the respondents 1 to 3 to take necessary action against the respondents 5 to 8 for their illegal and excessive quarry in the said survey number.

2. The learned counsel appearing for the petitioner would submit that the land in Survey No.804/1 is a Government land and adjacent thereto, the respondents 5 to 8 are operating a stone quarry in Survey Nos.804/4(P), 805/4(P) and 804/6(P) and obtained a quarry licence. However, contrary to the licence, they quarried in the Government land at Survey No.804/1, which resulted in pollution and traffic in the above said village. Though the petitioner made repeated representations and the last of which dated 04.07.2024 seeking to prevent illegal quarry operations by the respondents 5 to 8, no steps were taken by the official respondents. Hence, this writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-



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consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the official respondents herein, to consider the petitioner's representation dated 04.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondents as well as all other persons, who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
25.11.2024

Index : Yes / No
Neutral Citation : Yes / No



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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DATED : 25.11.2024