



W.P(MD)No.25936 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.25936 of 2024

C.Maharajan

... Petitioner

vs.

1. The Secretary to Union of India,
Ministry of Environment and Forest and
Climatic Changes,
Government of India,
New Delhi.

2. The Principal Secretary to Government of Tamil Nadu,
Department of Revenue and Disaster Management,
Secretariat,
St. George Fort,
Chennai.

3. The Principal Secretary to Government of Tamil Nadu,
Department of Environment, Forest and
Climatic Change,
Secretariat,
St. George Fort,
Chennai.

4. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Road,



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Guindy, Chennai.

5. The District Collector,
Theni,
Theni District.

6. The District Revenue Officer,
Theni District.

7. The Superintendent of Police,
Theni District.

8. The District Engineer,
Tamil Nadu Pollution Control Board,
Theni,
Theni District

9. Assistant Director,
Mines and Geology,
Theni.

10. The Deputy Superintendent of Police,
Allinagaram,
Theni District.

11. The Tahsildar/The Monitoring Committee,
Allinagaram,
Theni District.

12. The Inspector of Police
Allinagaram Police Station,
Theni District.

13. Sivaraman

... 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 to conduct a detailed survey of the property in S.No.2200 of Nallagundu Karadu, Allinagaram, Theni, particularly the adjacent survey numbers where illegal mining has taken place, and to order an investigation into the illegal mining activities carried out by 13th respondent and the officials involved and to recover the monetary loss sustained by the government from the 13th respondent and to restore the original possession in S.No.2200 by considering the petitioner's representation dated 24.08.2024.

For Petitioner : Mr.G.Prabhu Rajadurai for
Mr.R.Maheswaran
For R1 : Mr.K.Govindarajan
Deputy Solicitor General
For R2, R3, R5,
R6, R9 & R11 : Mr.P.Thilakkumar, Government Pleader
For R7, R10 & R12 : Mr.B.Thanga Aravindh
Government Advocate
For R4 & R8 : Mrs.Vijayakumari Natarjan
Standing Counsel
For R13 : Mr.C.Jeganathan

ORDER

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

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



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2. This writ petition has been filed for a Mandamus, directing the respondents to conduct a detailed survey of the property in S.No. 2200 of Nallagundu Karadu, Allinagaram, Theni, particularly the adjacent survey numbers, where illegal mining has taken place, and to order investigation into the illegal mining activities carried out by the 13th respondent and the officials involved and to recover the monetary loss sustained by the government from the 13th respondent and to restore the original possession in S.No.2200, by considering the petitioner's representation dated 24.08.2024.

3. Alleging that the 13th respondent, who was granted mining licence in respect of Survey Nos.2196/1, 2196/2, 2196/3, 2198/1 and 2201, is illegally mining the adjacent survey numbers including the Government poramboke land in Survey No.2200 in Nallagundu Karadu, Allinagaram, Theni, the petitioner made a representation dated 11.07.2024 to the respondents 5, 9 and 11, and finding inaction on the part of the officials concerned to prevent illegal mining and apprehending collusion between the officials and the 13th respondent, the petitioner has filed this writ petition.



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4. Heard both sides.

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5. 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-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.

6. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 11.07.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, private respondent, 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



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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.

7. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
26.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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12. The Inspector of Police
Allinagaram Police Station,
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ORDER MADE IN
W.P(MD)No.25936 of 2024
DATED : 26.11.2024