



W.P.(MD).No.18028 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.12.2024

CORAM

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

W.P.(MD).No.18028 of 2017

S.P.Muthu Raman

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Industries (MMA.1) Department,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The Additional Chief Secretary to Government / Commissioner,
Land Administration Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Thoothukudi District,
Thoothukudi.
- 4.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.
- 5.The Block Development Officer,
Pudur Block Development Office,
Pudur Post, Vilathikulam Taluk,
Thoothukudi District.



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6.The Regional Controller of Mines,
Indian Bureau of Mines,
C-4A, GCO Complex,
Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.

7.The Commissioner,
Geology and Mining,
Thiru Vika Industrial Estate,
Guindy, Chennai - 600 032.

8.The Assistant Director,
Geology and Mining,
Collector Office Campus,
Tuticorin.

9.The Ramco Cements Ltd.,
Represented by its Managing Director,
V Floor - Auras Corporate Centre,
98A, Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1 to 8 respondents to remove the encroachment made by the 9th respondent in S.No.103/7-43 Cents - Cart Track, S.No.112/5- 20 Cents - Cart Track, S.No.114/2 - 51 Cents - Cart Track, S.No.122/2 - 11 Cents - Cart Track, S.No.123/2 - 19 Cents - Cart Track, S.No.124/3 - 18 Cents - Cart Track, S.No.126/3 - 26 Cents - Cart Track, situated at Kullakattankurichi Village, Vilathikulam Taluk, Tuticorin District, in S.No.82/5 - 18 Cents - Cart Track situated at Pudur Village, Vilathikulam Taluk, Tuticorin District, in S/No.61/5 – 11 Cents – Cart Track situated at Sivalarpatti Village, Vilathikulam Taluk, Tuticorin District and consequently to take action



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as per law including cancelling the mining plan approval and lease granted to the 9th respondent.

For Petitioner : Mr.B.K.Rajendran
For R-1 to R-4 : Mr.J.Ashok
Additional Government Pleader
For R-5 : Mr.J.Gunaseelanmuthiah
For R-6 to R-8 : Mr.C.Nandagopal
For R-9 : Mr.K.Prabhakar

ORDER

This Writ Petition has been filed for Mandamus, directing the 1 to 8 respondents to remove the encroachment made by the 9th respondent in S.No. 103/7-43 Cents - Cart Track, S.No.112/5- 20 Cents - Cart Track, S.No.114/2 - 51 Cents - Cart Track, S.No.122/2 - 11 Cents - Cart Track, S.No.123/2 - 19 Cents - Cart Track, S.No.124/3 - 18 Cents - Cart Track, S.No.126/3 - 26 Cents - Cart Track, situated at Kullakattankurichi Village, Vilathikulam Taluk, Tuticorin District, in S.No.82/5 - 18 Cents - Cart Track situated at Pudur Village, Vilathikulam Taluk, Tuticorin District, in S/No.61/5 – 11 Cents – Cart Track situated at Sivalarpatti Village, Vilathikulam Taluk, Tuticorin District and consequently to take action as per law including cancelling the mining plan approval and lease granted to the 9th respondent.



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2. The petitioner herein had given a representation to the official respondents on 21.03.2017 to remove the encroachments alleged to have been made by the 9th respondent in the subject lands. Since the said representation was not considered, the present Writ Petition has been filed.

3. 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.

4. Since there is a considerable lapse of time after the earlier representation was made, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



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petitioner and the 9th respondent herein, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of the representation. 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 respondent to consider the same, on its own merits.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

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

To

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