



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.31041 of 2024

and

W.M.P(MD)eNo.26063 of 2024

M.Sheeba

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Environment, Climate Change
And Forest Department,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary,
Geology and Mining Department,
Fort St.George,
Chennai – 600 009.
- 3.The Director,
TamilNadu Pollution Control Board,
76,Anna Salai,
Guindy Industrial Estate,
Race View Colony,
Guindy, Chennai – 600 032.
- 4.The Deputy Director(Mines),
Nagercoil,
Kanyakumari District.



5. The Assistant Engineer,
Pollution Control,
Nagercoil, Kanyakumari District.

6. The District Collector,
Kanyakumari District,
Nagercoil – 629 001.

7. The Executive Engineer,
Unnamalaikadai Town Panchayat,
Unnamalaikadai post,
Kanyakumari District.

8. Pameela
President,
Unnamalaikadai Town Panchayat,
Unnamalaikadai Post,
Kanyakumari District.

9. T. Ebenezer

10. V. Gitler

11. T. Robinson

12. M. Selvaraj

13. J. Aji

14. P. Stalin

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 7 herein to forthwith forbear the respondents 8 to 14 from continuing with the illegal quarrying at Mudiamparai Rock at Unnamalaikadai, Kanyakumari District and from illegal theft of quarried stones and trees from the Mudiamparai Rock and further to forbear them from removing the, 'Unnamalaikadai Sree Mudiamparai



Sarawswathi Devi Temple‘ also known as ,‘Unnamalaikadai Sree Mudiamparai Bhagavathy Amman Thirukkoil‘‘ from Mudiamparai Rock situated at Unnamalaikadai Town Panchayat and also to take suitable action against them for their illegal quarrying and illegal monetary gain from theft of stones and trees from Mudiamparai Rock.

For Petitioner : Mr.P.Muthuvel

For Respondents : Mr.D.Sadiq Raja
1 to 6 Addl. Government Pleader

For Respondent-7 : Mr.N.Ramesh Arumugam
Government Advocate

For Respondent-8 : Mr.Y.Jagadeesh

ORDER

This writ petition has been filed for a direction, directing the respondents 1 to 7 herein to forthwith forbear the respondents 8 to 14 from continuing with the illegal quarrying at Mudiamparai Rock at Unnamalaikadai,Kanyakumari District and from illegal theft of quarried stones and trees from the Mudiamparai Rock and further to forbear them from removing the ,‘Unnamalaikadai Sree Mudiamparai Sarawswathi Devi Temple‘ also known as ,‘Unnamalaikadai Sree Mudiamparai Bhagavathy Amman Thirukkoil‘‘ from Mudiamparai Rock situated at Unnamalaikadai Town Panchayat and also to take suitable action against them for their illegal quarrying and illegal monetary gain from theft of stones and trees from



Mudiyamparai Rock.



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2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 to 6, Mr.N.Ramesh Arumugam, learned Government Advocate takes notice for the seventh respondent and Mr.Y.Jagadeesh, learned counsel takes notice for the eighth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.On a perusal of the representation submitted by the Petitioner reveals that without any right or title over the ancestral property comprised in R.S.No.734/9A2C to an extent of 34.50 cents situated at Unnamalaikadai Village, Kanyakumari District, the respondents 8 to 14 are continuously attempting to encroach upon the said property and the temple situated in the said property to illegally grab the same. It is purely a civil dispute between the Petitioner and respondents 8 to 14. For the civil dispute, the Petitioner has filed this Writ Petition to direct the respondents to take action against the respondents 8 to 14. As such, the Writ Petition is devoid of merits and the same is liable to be dismissed.



4. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

20.12.2024

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
vsn

To

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