



W.P (MD).No.1167 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

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

W.P (MD).No.1167 of 2025

and

W.M.P(MD)No.796 of 2025

Thiruvithancode Muslim Jama-Ath,
Rep. by its President,
Thiruvithancode,
Kanyakumari District.

...Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector Office,
Kanyakumari District.
- 2.The Assistant Director (Mines),
Mines and Geology Department,
O/o.The District Collector Office,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional office,
Padbanabhapuram,
Kanyakumari District.
- 4.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to



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issue a Writ of Mandamus, to direct the respondents 1 & 2 to grant permission for removal and transportation of approximate 250 units (800 cbm) of earth in the patta of the petitioner comprised in S.Nos.134/13, 14, 15 120/13B and 123/2 Mulagumoodu Village, Kalkulam Taluk, Thiruvithancode, Kanyakumari District and to fill-up the removed earth thereof in the burial ground (Kabarsthan) of the petitioner Jamath comprised in S.No.456/10, Muthalakurichi Village, Kalkulam Taluk, Thiruvithancode, Kanyakumari District.

For Petitioner : Miss.H.Jasima Yasmin
for M/s.Ajmal Associates
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents 1 & 2 to grant permission for removal and transportation of approximate 250 units (800 cbm) of earth in the patta of the petitioner comprised in S.Nos.134/13, 14, 15 120/13B and 123/2 Mulagumoodu Village, Kalkulam Taluk, Thiruvithancode, Kanyakumari District and to fill-up the removed earth thereof in the burial ground (Kabarsthan) of the petitioner Jamath comprised in S.No.456/10, Muthalakurichi Village, Kalkulam Taluk, Thiruvithancode, Kanyakumari District.



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2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Without expressing any opinion on merits of the writ petition, the first respondent is directed to consider the representation of the petitioner dated 10.11.2024 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner and counter party, if any.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

10.01.2025



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To

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Mines and Geology Department,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
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Kanyakumari District.
- 4.The Tahsildar,
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G.K.ILANTHIRAIYAN, J.

am

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