



W.P(MD)No.3222 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.3222 of 2025

Dr.J.Spurgeon Samuel

..Petitioner

Vs

1.The District Collector,
Kanniyakumari,
Kanyakumari District.

2.The Tahsildar,
Thovalai Taluk,
Kanniyakumari.

3.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.

4.The Assistant Director of Geology and Mining,
Kanniyakumari District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the representation dated 12.08.2024 given by the petitioner and to prevent the illegal mining of sand in the petitioners Patta land by taking appropriate action.



WEB COPY



W.P(MD)No.3222 of 2025

For Petitioner : Mr.K.Althaf Sheriff for
M/s Ajmal Associates

For Respondents : Mr.A.Kannan
Addl. Govt. Pleader

ORDER

The petitioner seeks for issuance of a Writ of Mandamus to direct the respondents to consider his representation, dated 12.08.2024, and to prevent the illegal mining of sand in and over the property belonging to him.

2. The claim of the petitioner is that he is the Managing Trustee and the Chairman of the public charitable institution under the name and style of Star Charitable and Educational Trust. The said Trust owns property in S.No.9/2B and 9/3, Eesanthimangalam Village, Thovalai Taluk, Kanyakumari District.

3. The petitioner pleads that his neighbours namely, one Edward and one Dhas are running illegal bricks plant. They along with, one Jeyakumar, entered his property, cut 150 Palm trees and causing a huge loss to him. He further alleged that illegal sand mining is indulged by the aforesaid individuals and hence, he approached the respondents by way of a representation dated 12.08.2024 calling upon him to initiate action against the persons named in the representation for indulging in acts of illegal mining. He pleaded that a



W.P(MD)No.3222 of 2025

criminal case was registered against him in Crime No.184 of 2024 on 28.08.2024 alleging that he committed the offences under Sections 191, 296(b), 308(2), 329(3), 351(2) of Bharatiya Nyaya Sanhita, 2023. As the representation remained pending, he has come forward with the present writ petition.

4. I have heard Mr.K.Althaf Sheriff for the petitioner.

5. Taking into consideration that the allegations of illegal mining have been made, I requested Mr.A.Kannan, learned Additional Government Pleader to get instructions from the respondents and posted the matter today.

6. When the matter is taken up for hearing today, Mr.A.Kannan, learned Additional Government Pleader reports that there is no mining activity in the property belonging to the petitioner. He states that the Assistant Director, Geology and Mining, Kanniyakumari District had inspected the Village along with Special Revenue Inspector (Mines), subsequent to the order passed by this Court and they have submitted a report as aforesaid. They have also pointed out that the photographs enclosed by the petitioner pointing out the mining, do not relate to the petitioner's land, but the photographs relating to S.F.Nos.260 and 261 in Siramadam Village, Thovalai Taluk, Kanniyakumari District.



W.P(MD)No.3222 of 2025

7. The learned Additional Government Pleader further states that a conclusion was arrived at by the Assistant Director after conducting a survey of the property belonging to the petitioner as well as the property pointed out by the petitioner in the typed set of papers.

8. I have considered the submissions of Mr.K.Althaf Sheriff and Mr.A.Kannan and I have gone through the records.

9. The ownership of the petitioner is over the property situated at Esanthimangalam North Village, Thovlai Taluk, Kanniyakumari District. The quarrying operations are said to have been carried out in a different Village, in Siramadam Village. As there are no quarrying operations over the petitioner's property, suffice it to dispose of this writ petition to record the statement of Mr.A.Kannan that no quarrying operations are going on over the property belonging to the petitioner. Hence, the apprehension of the petitioner is unfounded. Consequently, this writ petition is dismissed. No costs.

06.02.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



W.P(MD)No.3222 of 2025

To

WEB COPY

- 1.The District Collector,
Kanniyakumari,
Kanyakumari District.
- 2.The Tahsildar,
Thovalai Taluk,
Kanniyakumari.
- 3.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.
- 4.The Assistant Director of Geology and Mining,
Kanniyakumari District.



WEB COPY



W.P(MD)No.3222 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.3222 of 2025

06.02.2025