



W.P.(MD).No.1645 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.01.2025

CORAM

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

W.P.(MD).No.1645 of 2025
and
W.M.P.(MD).No.1170 of 2025

P.Gunasekaran

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Public Works Department,
Secretariat,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
(Water Resources),
Secretariat,
River Safety Division,
Chepauk, Chennai.
- 3.The Director of Geology and Mining,
Guindy,
Chennai.
- 4.The District Collector,
Karur District, Karur.
- 5.The Revenue Divisional Officer,
Karur District,
Karur.



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6.The Assistant Director of Geology and Mining,
Karur District.

7.The Tahsildar,
Karur,
Karur District.

8.The Inspector of Police,
Pasupathipalayam Police Station,
Karur.

9.Ramesh,
Sub-Inspector of Police,
Pasupathipalayam Police Station,
Karur.

10.Pakan

11.Natrayan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 8 to take necessary action against the private respondents based upon the representation of the petitioner dated 04.01.2025 within the time frame stipulated by this Court and consequently direct the official respondents not to permit the respondents to excavate the sand in the Amaravathi river bed at Sanaparati Village and Karur District.

For Petitioner : Mr.Gokul Raj
for Mr.M.Rajaguru

For R-1 to R-7 : Mr.P.Thilak Kumar
Government Pleader

For R-8 & R-9 : Mr.P.Kottai Samy
Government Advocate (Crl. Side)



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ORDER

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

2. This Writ Petition has been filed for a Mandamus, directing the respondents 1 to 8 to take necessary action against the private respondents based upon the representation of the petitioner dated 04.01.2025 within the time frame stipulated by this Court and consequently, to direct the official respondents not to permit the respondents to excavate the sand in the Amaravathi river bed at Sanaparati Village and Karur District.

3. Since no adverse orders are going to be passed against the respondents 10 and 11, notice to the respondents 10 and 11 is hereby dispensed with.

4. The petitioner herein had given a representation to the official respondents on 04.01.2025 to take necessary action against the private respondents for illegally excavating the sand in the Amaravathi river bed at Sanaparati Village and Karur District. Since the said representation was not considered, the present Writ Petition has been filed.



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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 1 to 8 herein to consider the petitioner's representation dated 04.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 10 and 11 herein, as well as all other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of a copy of this order. 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 respondents to consider the same on its own merits.



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7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
22.01.2025

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

To

- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
Public Works Department,
Secretariat,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
(Water Resources),
Secretariat,
River Safety Division,
Chepauk, Chennai.
- 3.The Director of Geology and Mining,
Guindy,
Chennai.
- 4.The District Collector,
Karur District, Karur.
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7. The Tahsildar,
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