



WP(MD). No.1961 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM

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

WP(MD). No.1961 of 2025

P.Balamurugan

... Petitioner

Vs

**1. The Chief Minister (Special Wing),
Special Wing,
Fort St.George,
Chennai - 600009..**

**2. The Inspector General of Police,
South Zone,
Madurai..**

**3. District Collector,
Madurai..**

**4. The Superintendent of Police,
Madurai..**

**5. The District Revenue Officer,
Madurai..**

**6. The Assistant Director,
Mines and Minerals Department,
Madurai..**



WP(MD). No.1961 of 2025

7. The Revenue Divisional Officer,
Madurai, Madurai District..

8. The Inspector of Police,
Perungudi Police Station,
Madurai 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 stop the illegal smuggling of Red Soil in Survey No.318 Pudukulam Kanmai and Survey No.384 Puluchikulam Kanmai in Nalloor Village South Taluk, Madurai District and considering the petitioners representation dated 08.01.2025 to the respondents within a stipulated time fixed by this Court.

For Petitioner : Mr.K.Vadivelan

For Respondents : Mr.P.Thilak Kumar for R1, R3,R5 to R7

Government Pleader

Mr.P.Kottaichamy for R2,R4 and R8

Government Advocate (Crl. side)

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

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



WP(MD). No.1961 of 2025

2. The petitioner has filed this writ petition for a mandamus to direct the respondents to stop the illegal smuggling of red soil in Survey No.318 Pudukulam Kanmai and Survey No.384 Puluchikulam Kanmai in Nalloor Village South Taluk, Madurai District and considering the petitioner's representation dated 08.01.2025 to the respondents within a stipulated time fixed by this Court.

3. In order to stop the illegal smuggling of red soil in the aforesaid survey number, the petitioner has given a representation to the official respondents on 08.01.2025. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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



WP(MD). No.1961 of 2025

of the India and direct them to consider the same within a stipulated time.

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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 08.01.2025 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the 5th respondent as well as all other persons, who may be interested in the subject matter, within a period of three 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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

24.01.2025

NCC : Yes/No

Index : Yes/No

RR



WP(MD). No.1961 of 2025

To

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South Zone,
Madurai..

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Madurai..

5. The Assistant Director,
Mines and Minerals Department,
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WP(MD). No.1961 of 2025

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ORDER
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