



W.P.(MD)No.30126 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.30126 of 2024

and

W.M.P.(MD)No.25349 of 2024

Jagaber Ali

: Petitioner

Vs.

1.The District Collector / Chairman,
District Rural Development Agency,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.



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4.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

5.The Assistant Director,
Department of Geology and Mining,
Pudukkottai District,
Pudukkottai.

6.Udhayakumar : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action as against the sixth respondent by recovering the penalty amount to the tune of Rs.38,21,760/- for carrying the illegal quarrying in conformity with the order passed by the fourth respondent vide his proceedings in Oo.Mu.A3/3749/2024 dated 13.07.2024 within the time that may be stipulated by this Court.

For Petitioner : Ms.R.Geethanjali
for M/s.Ajmal Associates
For Respondents 1 to 5 : Mr.P.Thilak Kumar
Government Pleader



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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.

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 5 to take appropriate action as against the sixth respondent by recovering the penalty amount to the tune of Rs.38,21,760/- for carrying the illegal quarrying in conformity with the order passed by the fourth respondent vide his proceedings in Oo.Mu.A3/3749/2024 dated 13.07.2024.

3.Since this Court is directing the respondents 1 to 5 to consider the petitioner's representations, after giving due opportunity to the private respondent herein, notice to the private respondent is hereby dispensed with.



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4.The petitioner herein had given representation to the official respondents on 12.08.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

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 5 to consider the petitioner's representation dated 12.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner herein and sixth respondents, as well as all other persons, who may be interested in the subject property, within a period of three [3] months from the date of receipt of a copy of this order. It is made clear



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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.

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

[M.S.R.,J.] & [A.D.M.C.,J.]

07.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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