



W.P(MD)No.18432 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18432 of 2023

A.Jeyakannan

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Department of Mines & Minerals,
Dindigul District.

3.The Tahsildar,
Aathur Taluk,
Dindigul 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 1 and 2 to consider the petitioner's application bearing number TN/WRD/DGL/P/COLLMGDP/24APR23/5340534 dated 24.04.2023 to carry out the sand from vadikulam pond to the petitioner's land belongs to the Survey Nos. 356/10, 356/11A, 356/11B, 356/12B, 356/7A, 356/7B, 356/7C, 356/8, 356/9A, 356/9B, 357/4, 357/5, 357/6 in



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Bodikamanvadi Village, Authoor Taluk, Dindigul District, within the stipulated time fixed by this Court.

For Petitioner : Mr.M.Viji

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner had applied to the respondents for removing sand from Vadikulam pond for his agricultural purposes. The application was given on 24.04.2023. On account of the delay in processing the application, the matter has become infructuous as far as this year is concerned. The status report filed by the Assistant Director (Geology and Mining), Dindigul is as follows:

“It is further submitted that, the Vadikulam pond requested by the Writ Petitioner for desilting was verified in filed and on verification it is observed that the tank was water logged (Photos enclosed).

It is submitted that, if the recommendation from the concerned Block Development Officer is received for the Vadikulam tank as per Rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Mineral Concession Rules, 1959, the



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same will be notified in the District Gazette for the year 2024-25 and necessary action will be taken.

Hence in this regard, since the vadikulam tank to be notified (if recommended by the Block Development Officer) and if the tank is not filled with water, the Writ Petitioner may be allowed for desilting as per Rule 12(2) and 12(2-A)(a) to the Tamil Nadu Minor Mineral Concession Rules, 1959 for the year 2023-25 and hence the Hon'ble Court may be pleased to consider the status report and thus render justice.”

If the petitioner's application had been dealt with in time, the situation would not have arisen. The petitioner is permitted to submit a fresh application for the next year. The same will be processed and final order shall be passed within a period of six weeks after such submission.

3. This writ petition is disposed of accordingly. There shall be no order as to costs.

02.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Collector,
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- 2.The Assistant Director,
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- 3.The Tahsildar,
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