



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.26086 of 2023

S.Vinayagamani

... Petitioner

VS.

1.The Revenue Divisional Officer,
Melur Revenue Division,
at Narasingampatti, Melur Taluk,
Madurai District.

2.The Assistant Director,
Mines and Mineral Department,
Madurai District.

3.The Tahsildar, Melur Taluk,
Madurai.

4.The Village Administrative Officer,
Kottagudi Village, Melur Taluk,
Madurai.

... Respondents



Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 08.09.2023 and consequently direct the respondents to permit the petitioner for transportation of the well sand to the petitioner's threshing field situated at No.130, East Street, Kottagudi, Melur Taluk, Madurai District within the time stipulated by this Court.

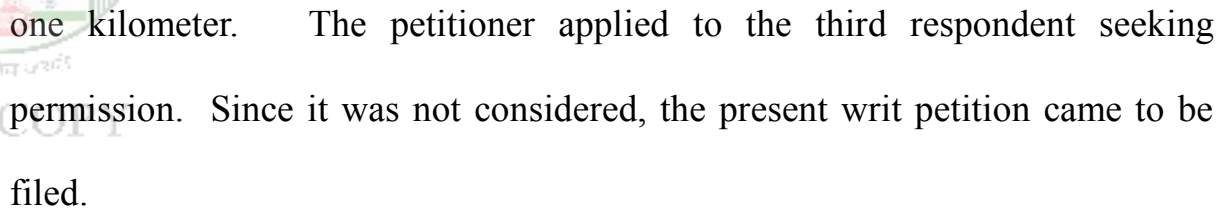
For petitioner : Mr.K.Mahendran
For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

Heard both sides.

2.Survey Nos.304/1 and 306/5 at Kottagudi Village covered under patta No.211 is in the name of the petitioner's grandfather Madhayanai @ Chellasamy. He dug two wells in the said lands. The resultant mineral has been stocked in a heap.

3.All that the petitioner wants is to remove the same and use it for agricultural purpose by levelling up “Kalam” at Dr No.130, East Street, Kottagudi Village, Melur, Madurai District. The distance between the two is



4. When the matter was taken up for hearing, the learned Special Government Pleader passed on the written instruction given by the Tahsildar, Melur. I went through the same. I am of the view that in a case of this nature, one need not adopt a technical approach. The petitioner is not proposing to sell the mineral. He only wants to shift the heaped mineral from his own land to another land of his. The use is for agricultural purpose. The learned counsel for the petitioner states that he will be able to transport the mineral in less than two days. He however submits that in view of the recent rains, transportation is possible in the month of March 2024. The petitioner shall indicate the dates on which he is proposing to transport and also the vehicle numbers to the third respondent. After giving such information to the third respondent, the mineral can be transported.

5. This writ petition is allowed. No costs.

03.11.2023

Index : Yes / No
Internet : Yes/ No



To

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G.R.SWAMINATHAN, J.

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