

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.17315 of 2016
and
W.M.P.Nos.14791 and 14792 of 2016

T.Lakshmanan

... Petitioner

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Assistant Director,
Geology and Mining,
Guindy, Chennai 600 032.
3. Surya
4. R.Karunamoorthy

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to his impugned quarry license RC.No.158/G & M/2014 dated 25.01.2016 issued in favour of the 4th respondent and quash the same and further direct the respondents 1 and 2 to amend the revenue records in accordance with actual survey features.

For Petitioner : Mr.V.Anand

For Respondents : Mr.T.N.Rajagopalan,
Special Government Pleader
For RR 1 and 2

: ***Mr.C.V.Vijayakumar for R-3**

: Mr.K.R.Krishnan for R-4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The matter in issue is really not a public interest litigation especially as it relates to exercise of rights by patta holders, which is quite apparent from para 10 of the affidavit of the petitioner, which reads as under:

'10.I respectfully submit that the entry found in the village register is erroneous as it left out the R.S.No.230/2. The said erroneous entry is causing irreparable harm now. The said R.S.No.230/2 is claimed by a private individual namely the 3rd respondent herein as if it is family property belonging to her. Taking advantage of the revenue registers and misconceived old sale deeds, the 3rd respondent claims title over the entire Hillock in Sri Ramar Padham against the existing fact on the field. The said Sri Ramar Padham has never been in cultivation. It is not capable of being cultivated. Under such circumstances, ryotwari patta has been issued in favour of the predecessors of the 3rd respondent. The said ryotwari patta can only be given to cultivate lands. Moreover a place of worship from time immemorial would not form part of an individual holding and even if that being so, that is only an erroneous entry. Till recently, from time immemorial as a matter of custom and usage as religious place of worship, the people of Adhivarahanalur, Srimeoosnam and other villages perform worship for the above mentioned shrines. Under such circumstances, the title claimed by the 3rd respondent, even if it is founded on any document of title and erroneous revenue records, it can only be subject to the time immemorial religious and customary usage by the general public. As on date, as never been before, the said R.S.No.230/2, and R.S.No.230/3 have never been cultivated. The said two sub divisions are being used only as a place of worship. There have been many more subdivisions.'

The quarrying lease is in pursuance to the aforesaid rights.

2.Learned counsel for the petitioner submits that he has some apprehensions about filing a civil suit as the trial Court may be affected by the orders passed in W.P.No.10733 of 2016 on 04.04.2016 by the learned Single Judge. This apprehension, to our mind, is misplaced for the reason that the same pertains only to give the transport licence in respect of quarrying on the basis of title documents as they exist now.

3.We are, thus, not inclined to entertain the petition.

4.Writ petition is, accordingly, dismissed. No costs. Consequently, W.M.P.Nos.14791 and 14792 of 2016 also stand dismissed.

Sd/-
Assistant Registrar(CS V)
Dated : 16.08.2016

***Corrected as per letter dated
04.08.2016 and made herein
Sd/- Assistant Registrar(CS V)
Dated : 30.08.2016**

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector, Cuddalore District, Cuddalore. To be substituted to the Order already despatched on 26.08.2016
2. The Assistant Director, Geology and Mining, Guindy, Chennai 600 032.

+1cc to Mr.V.Anand, Advocate Sr.44514
+1cc to the Government Pleader Sr.44424
+1cc to Mr.K.R.Krishnan, Advocate Sr.44304
+1cc to Mr.C.V.Vijayakumar, Advocate Sr.44467

सत्यमेव जयते

W.P.No.17315 of 2016

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srg 16/08/2016

CA(31.08.2016)

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