



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.3167 of 2016

Sevvanthipoo Mahalir Ponvila
Grama Suya Velaivaiputhitta Sangam
represented by its President Latha,
having office at
Themmavoor Village, Kulathoor Taluk
Pudukottai District.

... Petitioner

Vs.

1.The District Collector,
Pudukottai.

2.The Assistant Director,
Mines and Minerals Department,
Pudukottai.

3.The Tahsildar,
Kulathoor Taluk,
Pudukottai District.

4.The President,
Themmavoor Village,
Kulathoor Taluk,
Pudukottai District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the first respondent in his proceedings in respondent issued proceedings in Na.Ka.No.172/2016(Pu.ma.su) dated 22.01.2016 and quash the same and consequently direct the first respondent herein to issue a supplementary Gazette Notification by including the Survey No.168 of Themmavoor Village Pudukkottai District for issuing lease to carry on quarry operations.

For Petitioner

: Mr.B.Jameel Arasu

<https://hcservices.ecourts.gov.in/hcservices> For Respondents 1-3

: Mr.R.Anandaraj,
Government Advocate.

For 4th Respondent

: Mr.A.Muthukaruppan

**ORDER**

Challenging the order passed by the District Collector dated 22.01.2016 declining to consider the petitioner's request to bring the property in Survey No.168 of Themmavur Village for public auction, the present writ petition has been filed.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.R.Anandaraj, learned Government Advocate appearing for the respondents 1 to 3 and Mr.A.Muthukaruppan, learned counsel appearing for the fourth respondent.

3.According to the petitioner, the petitioner is a Self Help Group has been carrying stone quarry operations in the land situated in Survey No.168 measuring to an extent of 2.51.0 hectares in Themmavoor Village for several years. However, the above property was not included for lease for conducting quarrying operations by the respondents. Therefore, they have made request to the District Collector to bring the property for the public auction. But the District Collector, rejected the said request on the ground that the above said land in Survey No.168, Themmavoor Village has been classified as Vandipathai.

4.Learned counsel appearing for the petitioner submitted that lease was granted in favour of the petitioner self help group from 1992 onwards by including the said land for public auction for conducting quarrying operations but now without any reason the respondents did not include the above land in the public auction notice.

5.The first respondent has filed a counter affidavit stating that S.F.No.168 of Themmavur Village is classified as vandipathai as per the village records and therefore, the above said land cannot be granted for quarry lease by way of public auction. Further, the Supreme Court in Civil Appeal No.1132/2011, dated 28.01.2011, has held that the public utility lands in the villages are inalienable and their status should be preserved. In view of the said judgment, the land in S.F.No.168 of Themmavur Village could not be granted for quarry lease by way of public auction notice.

6.In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to approach the concerned authority to reclassify the land since it has been classified as vandipathai and to bring the same for public auction. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1.The District Collector,
Pudukottai.

2.The Assistant Director,
Mines and Minerals Department,
Pudukottai.

3.The Tahsildar,
Kulathoor Taluk,
Pudukottai District.

+1 cc to M/s.B.Jameel Arasu, Advocate in SR.No. 65651

+1 cc to The Special Government Pleader in SR.No. 66029

sms

CSL/SS-2/22.11.2016: 3P/6C

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