



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.06.2017
CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.11958 of 2017

WEB COPY

P.Lavankumar

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Petitioner

Vs.

1.The District Collector,
O/o.District Collectorate,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Thasildar,
Taluk Office,
Kadavur,
Karur District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to consider the petitioner's representation, dated 16.06.2017, not to prevent the petitioner from digging Well on his own patta land in Survey No.36/2, admeasuring 5 acres 93 cents, situated at Manjanayakanpatti Village, Kadavur Taluk, Karur District.

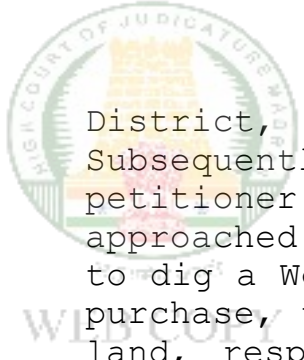
For Petitioner	: Mr.M.Subash Babu
For Respondents	: Mr.M.Alagathevan Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 herein to consider the petitioner's representation, dated 16.06.2017, not to prevent the petitioner from digging Well on his own patta land in Survey No.36/2, admeasuring 5 acres 93 cents, situated at Manjanayakanpatti Village, Kadavur Taluk, Karur District.

2.Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal.

<https://hcservices.ecourtservice.in/hcservices/> 3.The case of the petitioner is that he is the absolute owner of the property in S.No.36/2, measuring to an extent of 5 acres 93 cents, situated at Manjanayakanpatti Village, Kadavur Taluk, Karur



District, through a registered sale deed, dated 24.11.2016. Subsequently, Patta was also transferred to the name of the petitioner. The petitioner would state that his vendor Periyasamy approached the Village Administrative Officer seeking permission to dig a Well and he was also permitted to do the same. After the purchase, when the petitioner started digging a Well in his Patta land, respondents 2 and 3 prevented the petitioner from digging the Well under the presumption and assumption that some minerals are available in the land. Hence, he sent a representation, dated 16.06.2017, requesting the respondents not to prevent him from digging the Well. Despite the same, he was prevented. Hence, the present Writ Petition.

4.Mr.M.Subash Babu, learned counsel appearing for the petitioner would submit that this Court in W.P.(MD)No.227 of 2017, by an order dated 19.01.2017, permitted the landlord to dig a Well in his private Patta land on condition that while digging the Well, if the landlord come across some minerals, the landlord has to inform the same to the authorities concerned. Further, if the respondents themselves find any such event, it is open to them to take action as per law. The learned counsel for the petitioner requested this Court to pass the similar order in this Writ Petition also.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and also perused the materials available on record.

6.It is not in dispute that the petitioner is the owner of the agricultural land in S.No.36/2 and he sought permission from the authorities to dig a Well. It is now contended by the learned counsel for the petitioner for digging a Well in his own Patta land, permission is not at all required. This Court in the order dated 19.01.2017 [cited supra] permitted the Landlord to dig a Well on condition that if he finds any minerals in his land, he should inform the same to the authorities.

7.In view of the abovesaid fact, the writ petitioner is permitted to dig a Well in his own Patta land and while digging the Well, if he come across some minerals, he has to inform the same to the competent authorities. If the respondents themselves find any such event, it is open to them to take action against the petitioner in accordance with law.

8.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)



To

1.The District Collector,
O/o.District Collectorate,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Thasildar,
Taluk Office,
Kadavur,
Karur District.

+One cc to Mr.M.Subash Babu, Advocate, SR.No.62535

+One cc to The Special Government Pleader, SR.No.63003

smn2

RL/6C/3P/KP/SAR1/4/7/2017

W.P. (MD) No.11958 of 2017

29.06.2017