



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No.12363 of 2017

WEB COPY

M. Periyasamy

... Petitioner

Vs.

1. The District Collector,
Karur District.
Karur.

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

3. The Tahsildar,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.

4. The Village Administrative Officer,
Muthurenganpatti Village,
Krishnarayapuram Taluk,
Karur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to dispose of the representation of the petitioner dated 20.07.2016 and 16.06.2017, seeking permission to dig a well in the petitioner's agricultural land in S.F.No.44/1B to an extent of 0.46.00 Ares situated at Muthurenganpatti village, Krishnarayapuram Taluk, Karur District, within a time frame fixed by this Court.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.C.Selvaraj

Special Government Pleader

O R D E R

This Writ Petition is filed for a direction to the respondents to dispose of the representations dated 20.07.2016 and 16.06.2017, seeking permission to dig a well in the petitioner's agricultural land in S.F.No.44/1B situated at Muthurenganpatti village, Karur District.

2. The learned counsel for the petitioner submitted that even
<https://hcservices.courts.gov.in/hcservices/> permission is not required for digging a well in a private patta land, the petitioner is seeking such permission



through his representations, only because of the respondents are preventing the digging of well on the presumption that such digging of well is for exploiting some minerals.

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that in that area, some minerals are available and people, under the guise of digging a well, are attempting to exploit such minerals without permission.

4. Though it is contended so by the learned Special Government Pleader, he fairly conceded to the fact that the land, in which the petitioner wants to dig the well, belongs to the petitioner as a private patta land. He also conceded that digging a well in a private patta land cannot be prevented based on mere presumption and assumption of certain things. At the same time, if the petitioner comes across some minerals, he has to submit himself to the jurisdiction of the competent authority and seek permission for dealing with such minerals in accordance with the relevant enactment, by stopping such activities at that level itself. If not brought to their notice, it is open for them to take action against the petitioner in accordance with law.

5. With the above observations, this Writ Petition is disposed of. No Costs.

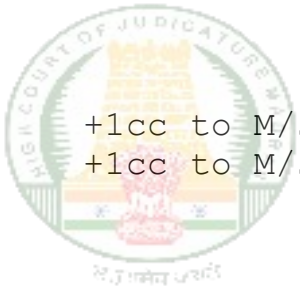
Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Karur District.
Karur.
2. The Revenue Divisional Officer,
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Karur District.
3. The Tahsildar,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.
4. The Village Administrative Officer,
Muthurenganpatti Village,
Krishnarayapuram Taluk, Karur District.



+1cc to M/s.Gokulraj, Advocate,SR.64714
+1cc to M/s.Special Government Pleader,SR.64986

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DSK/SM
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