



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) Nos.16435 to 16437 of 2017

WEB COPY

1. Kulithalai Vattara Manalvandi
Thozhilalargal Sangam,
Rep. by its President P.Gopal,
Kulithalai Taluk,
Karur District. ... Petitioner in W.P.(MD) No.16435/2017
 2. Mayanoor Vattara
Maattuvandi Urimaiyalargal Nala Sangam,
Rep. by its President A.Balathandayutahpani,
Mayanoor Village, Krishnarayapuram Taluk,
Karur District. ... Petitioner in W.P.(MD) No.16436/2017
 3. Karur Mavatta Bharathiya
Maattuvandi Thozhilalargal Sangam,
Rep. by its President Ayyanar,
Lalapettai Village, Krishnarayapuram Taluk,
Karur District. ... Petitioner in W.P.(MD) No.16437/2017
- vs-
1. The District Collector
Karur District, Karur.
 2. The Executive Engineer,
Mines and Minerals,
Public Works Department,
Cantonment, Trichy-620 011.
 3. The Sub Divisional Officer,
Mines and Minerals,
Public Works Department,
Kulithalai-639 104,
Karur District.
 4. The Junior Engineer,
Mines and Minerals,
Section III, Water Resources Organization,
Mayanoor, Karur Taluk,
Karur District. ... Respondents 1 to 4 in all Writ Petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to allow and permit the members of the service community to take sand by bullock cart in the river bed of 1) Kulithalai Village, Kulithalai Taluk, Karur District, 2) Mayanoor Village, Krishnarayapuram Taluk, Karur District & 3)



Lalpettai Village, Krishnarayapuram Taluk, Karur District respectively.

For Petitioners : Mr.N.Rahamadullah

For Respondents : Mr.J.Gunaseelan Muthiah
Govt. Advocate

C O M M O N O R D E R

These writ petitions have been filed, seeking a direction to the respondents to allow and permit the members of the petitioner Sangams to take sand by bullock cart in the river bed of 1) Kulithalai Village, Kulithalai Taluk, Karur District, 2) Mayanoor Village, Krishnarayapuram Taluk, Karur District & 3) Lalpettai Village, Krishnarayapuram Taluk, Karur district.

2. Since the issue involved in all these writ petitions is one and the same, all these petitions are taken up together for final disposal. For the sake of brevity, the facts are being taken up from W.P.(MD) No.16435 of 2017, in which, the case of the petitioner-Sangam (hereinafter referred to as "the Sangam") is that the members of Sangam have been taking sand from the Government on payment of necessary fee and supplying the same for small domestic construction and agricultural works. It is the grievance of the Sangam that the respondents prevented them from 17.08.2017 onwards from excavating sand stating that the ground water level has gone deep. The petitioner-Sangam submitted a representation to the respondents, the last one of which was dated 24.08.2017, for permitting them to take sand from the river bed and since there was no response on the said representation, the petitioner-Sangam is before this Court.

3. The learned counsel for the Sangams would submit that taking small quantity of sand will not, at any stretch of imagination, create any environmental havoc to the ground water level and the act of the respondents will certainly deprive the livelihood of the members of the Sangams, who are very poor and downtrodden.

4. Per contra, the learned Government Advocate, by relying upon the counter affidavit, would contend that the members of the Sangams, in violation of the Act, started digging out a huge amount of sand, thereby affecting the livelihood of farmers. He would also contend that immediately after submission of the representation, without even waiting for the outcome and pending consideration, the Sangams have approached this Court with the above prayer, that too not by the individuals.

5. Heard the learned counsel on either side.



6. Admittedly, the Sangams have filed these writ petitions. The averments made in all these writ petitions and other consequentiality effects all have to be looked into only by the respondents before taking a decision on the representation of the Sangams. Hence, these writ petitions are disposed, leaving it open to the members of the Sangams to approach the concerned authorities for appropriate permission to have the sand transported for domestic as well as agricultural purposes. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector
Karur District, Karur.
2. The Executive Engineer,
Mines and Minerals,
Public Works Department,
Cantonment, Trichy-620 011.
3. The Sub Divisional Officer,
Mines and Minerals,
Public Works Department,
Kulithalai-639 104,
Karur District.
4. The Junior Engineer,
Mines and Minerals,
Section III, Water Resources Organization,
Mayanoor, Karur Taluk,
Karur District.

+3cc to Mr.R.GOKUL, Advocate, SR.80613, 80614, 80615

+1cc to M/S.Special Government Pleader, SR. 80862, 80863, 80873

W.P(MD)Nos.16435 to 16437 of 2017
20.09.2017

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