



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

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CORAM :

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P(MD) No.20578 of 2017
and
WMP(MD) No.16868 of 2017

A.Ramakrishnan

.. Petitioner

vs.

1. The District Collector,
Collectorate Office,
Tuticorin District.
2. The Superintendent of Police,
District Police Office,
Tuticorin.
3. The Executive Engineer,
Thamiraparani Vadinila Division,
Public Works Department,
Palayamkottai,
Tirunelveli - 2.
4. The Revenue Divisional Officer,
Revenue Divisional Office,
Tuticorin.
5. The Tahsildar,
Taluk Office,
Tuticorin.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the District Collector, Tuticorin, the 1st respondent to take action against the permit holders for taking Karambal Sand or any other sand from the Korampallam Tank, Tuticorin Taluk and District against the rules and regulations and guidelines of the Government by considering the representation dated 10.10.2017 of the petitioner.



(2)

For Petitioner

: Mr.S.Siva Thilakar

For Respondents

: Mr.A.K.Baskarapandian
Spl. Government Pleader

ORDER

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

The petitioner, who claims to be a resident of Periya Nayakipuram, Korampallam, Tuticorin District has filed this writ petition by way of public interest litigation representing the interest of his villagers, who are, according to him, being adversely affected by alleged illegal mining activities in Korampallam Tank.

2. According to the petitioner, he owns three acres of agricultural land, on which he depends for his livelihood. The agricultural lands are "Nanja lands". According to the petitioner, he along with other agriculturists are using Korampallam Tank for irrigating their lands.

3. It is the grievance of the petitioner that the Government of Tamil Nadu has, by an order, permitted the farmers to take karambal sand within the permissible limit from the aforesaid tank from the year 2016 to 18.06.2017 for agricultural use.

4. It is the case of the petitioner that the permit holders are contravening the terms of the permit and taking away gravel/sand for business purpose instead of agricultural activities. The petitioner appears to have made a representation dated 10.10.2017 alleging contravention by the permit holders of the rules and regulations.

5. It, however, appears from the writ petition that permission to quarry sand had been given upto 18.06.2017. The permission has apparently expired. As such, the writ petition has become infructuous. Nevertheless, in the event, the respondent authorities renew or contemplate renewal of permission to quarry sand beyond 18.06.2017, the concerned respondent shall consider the representation of the petitioner in accordance with law, after giving the affected persons an opportunity of hearing and take appropriate action, if any required as per law. Respondents shall ensure compliance with the terms and conditions of the permission to quarry the sand and shall further ensure that sand is not quarried in excess of the permitted quantity.



(3)

6. Writ petition is disposed of with the aforesaid directions.
No costs. Consequently, WMP(MD) No.16868 of 2017 is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To:

1. The District Collector,
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Tuticorin District.
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Tuticorin.
5. The Tahsildar,
Taluk Office,
Tuticorin.

+1cc to Spl.Government Pleader Sr.No.86290

+1cc to Mr.S.Siva Thilakar Advocate Sr.No.85940

BBR

VB/GT/SAR4/22/11/2017/3P/8C

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