



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:19.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.227 of 2017

WEB COPY

M.Veerachamy

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer
Kulithalai,
Collector Office, Karur.

3.The Tahsildar,
Taluk Office,
Kadayoor,
Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ Mandamus, to direct the respondents herein to dispose of the representation of the petitioner dated 14.12.2016 seeking permission for digging well in the petitioner patta land in S.No.551/4 to an extent of 1.24.00 Hec. situated at Pannapatti village, Kodavoor Taluk, Tharagampatti, Karur District within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr. S.Gokulraj

For Respondent : Mr. A.Muthukarupan
Additional Government Pleader

O R D E R

The petitioner seeks for a Mandamus directing the respondents to dispose of his representation, dated 14.12.2016, seeking permission for digging well in his private patta land at S.No.551/4 to an extent of 1.24.00 Hec. situated at Pannapatti village, Kodavoor Taluk, Tharagampatti, Karur District.

2.It is stated that even though such permission is not required for digging a well in a private patta land, the petitioner is seeking such permission through his representation, the respondents are preventing the digging of well on the presumption that such digging of well is for exploiting some minerals.

3.The learned Additional Government Pleader appearing for the



respondents, based 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 Additional 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 to the fact that for digging a well in a private patta land, no permission is required from the respondents. However, his only apprehension is that the petitioner, at the time of digging the well, may attempt to exploit the minerals, if it is found while digging the well. Needless to say that the respondents cannot prevent the petitioner from digging the well in his own private patta land based on mere presumption and assumption of certain things. At the same time, it is also made clear that the petitioner while digging the well, if come 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 the respondents themselves find any such event, without the same 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[Records]

/True copy/

Sub Assistant Registrar/-

To

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer
Kulithalai,
Collector Office, Karur.

3. The Tahsildar,
Taluk Office,
Kadayoor,
Karur District.

SKN

KK-SS3-SAR1-25.01.17-2P-4C

<https://hcservices.ecourts.gov.in/hcservices/>