



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM:

**THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. [MD].No.23 of 2017
and
W.M.P. (MD) No.16 of 2017

Markandeyan

: Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Sivagangai District.
Sivagangai.
3. The Assistant Director (Mines),
Collectorate Complex,
Sivagangai District,
Sivagangai.
4. The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.
5. A.Venkat Reddy
[R-5 impleaded as per the order of
this Court dated 14.02.2017, made
in W.M.P. (MD) No.2002/2017]

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regulate the mining of sand from the patta lands in Survey Numbers 67/1(1.04.0), 72/2 (0.16.0), 73/3(0.13.5), 72/4 (1.01.0), 72/5A(0.37.0), 72/5B(0.370), 72/5C(0.15.0), 75/7(0.24.0), 75/8(0.22.5), 75/9(0.00.0), 79/4 (0.40.0), 79/5(0.14.5) 79/6(0.17.0), 79/7(0.19.0) total in an extent of 4.93.5 Hectare in Mutharasan Village, Sivagangai District.
[prayer amended as per the order of this Court dated 14.02.2017, made in W.M.P. (MD) No.403 of 2017].



For Petitioner : Mr.R.Balamuruganantham

For Respondents No.1 to 4 : Mr.M.Govindan,
Special Government Pleader

For Respondent No.5 : Mr.M.Gururaj

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

This Writ Petition is filed to direct the respondents to regulate the mining of sand from the patta lands in Survey Numbers 67/1(1.04.0), 72/2 (0.16.0), 73/3(0.13.5), 72/4(1.01.0), 72/5A (0.37.0), 72/5B(0.370), 72/5C(0.15.0), 75/7(0.24.0), 75/8(0.22.5), 75/9(0.00.0), 79/4 (0.40.0), 79/5(0.14.5) 79/6(0.17.0), 79/7(0.19.0) total in an extent of 4.93.5 Hectare in Mutharasan Village, Sivagangai District.

2. According to the petitioner, the fifth respondent is engaged in mining of sand without obtaining permission from the competent authority. The petitioner, therefore, filed this Writ Petition.

3. The first respondent filed a counter-affidavit indicating that permission was granted to the fifth respondent for quarrying and transportation of gravel over an extent of 4.93.5 Hectares of land in S.F.Nos.67/1(1.04.0), 72/2 (0.16.0), 72/3(0.13.5), 72/4 (1.01.0), 72/5A(0.37.0), 72/5B(0.370), 72/5C(0.15.0), 75/7(0.24.0), 75/8(0.22.5), 75/9(0.33.0), 79/4 (0.40.0), 79/5(0.14.5) 79/6(0.17.0), 79/7(0.19.0) in Mangudi Village, Sivagangai District, for the period from 04.11.2016 to 03.05.2017. According to the District Collector, the fifth respondent has been quarrying, pursuant to the licence granted by the statutory authority.

4. The learned counsel for the petitioner submitted that the licence period expired on 03.05.2017 and as such, nothing survives for adjudication.

5. The licence granted to the fifth respondent was for the period from 04.11.2016 to 03.05.2017. In case the licence has not been issued afresh beyond the period 03.05.2017, necessarily, the respondents 1 to 4 must ensure that there is no quarrying and transportation of gravel by the fifth respondent or his men with respect to the property made mentioned in the order granted to him and indicated in paragraph No.7 of the counter-affidavit.

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

6. The Writ Petition is disposed of with the above observation.



No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

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Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Sivagangai District.
Sivagangai.
3. The Assistant Director (Mines),
Collectorate Complex,
Sivagangai District,
Sivagangai.
4. The Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.

+ 1 CC TO Mr.R.BALAMURUGANANDAM, ADVOCATE IN SR No. 64227

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65014

SML/MYR

TE/KP/SAR-I : 19/07/2017 : 3P/7C

Order made in
W.P.[MD].No.23 of 2017 and
W.M.P.(MD)No.16 of 2017
Dated: 10.07.2017