



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.18338 of 2018

S.Esakki

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Assistant Director of Mines and Minerals,
Collectorate Office,
Tirunelveli, Tirunelveli District.

3. The Tahsildar,
Kadayanallur Taluk,
Kadayanallur, Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to permit petitioner to take the remaining 60-units of alluvial soil from the irrigation pond by 'Arasudaiyur Paraikulam' comprised in Survey No.1576/2 at Pambukovilsanthai @ Madathupatti as per the order passed by the 3rd respondent through his proceedings vide Na.Ka.No.A3/1383/2018, dated 25.07.2018 and extend the permitting period for nearly 5 days on the basis of representation, dated 13.08.2018.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

COMMON ORDER

The petitioner has approached this Court seeking the issuance of a Writ of Mandamus directing the respondents 1 and 2 to permit the petitioner to take the remaining 60-units of alluvial soil from the irrigation pond by 'Arasudaiyur Paraikulam' comprised in Survey No.1576/2 at Pambukovilsanthai @ Madathupatti as per the order passed by the 3rd respondent through his proceedings vide Na.Ka.No.A3/1383/2018, dated 25.07.2018 and extend the permitting period for nearly 5 days on the basis of representation, dated 13.08.2018.



2. Heard both sides.

3. The grievance of the petitioner is that he had applied an application dated 18.07.2018 before the third respondent seeking permission to take alluvial soil from the irrigation pond namely 'Arasudaiyur Paraikulam' comprised in Survey No.1576/2 at Pambukovilsanthai @ Madathupatti. In response to the said application the third respondent, passed an order dated 25.07.2018 permitting the petitioner to take 150 units of alluvial soil from 'Arasudaiyur Paraikulam' for a period from 30.07.2018 to 16.08.2018. After permission being granted, the petitioner transported alluvial soil from the designated place and dumped it on his agricultural land in order to improve the nutrients of his land. According to the petitioner upto 12.08.2018 he took into only 90 units of alluvial soil, out of the total 150 units, for which, permission was already granted by the authority concerned.

4. According to the petitioner, while he was transported the alluvial soil through his tractor-cum-trailor, the third respondent intercepted the vehicle on 12.08.2018 and demanded to issue the permit receipt book. However, the authority was not satisfied about the entries made in the permit receipt and therefore, further transportation of the alluvial soil was discontinued at the instance of the third respondent. According to the petitioner, he was illegally demanded a payment of sum amount to the third respondent and since the petitioner did not oblige, he was stopped from transporting 150 units of alluvial soil, as permitted by the third respondent.

5. Mr. M. Jeyakumar, learned Additional Government Pleader, took notice for the respondents and today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents would produce the proceedings dated 24.08.2018 of the third respondent, in which it was mentioned that in case the petitioner approached the authority and requested properly to transport the remaining alluvial soil, the same will be considered.

6. Recording the above said undertaking given by the third respondent in his proceedings, dated 24.08.2018 addressed to the Additional Government Pleader, this Court disposes of the writ petition with the following direction.

i) The petitioner is directed to make a proper application before the third respondent for transporting the remaining 60 units of alluvial soil from the designated place and such application shall be filed within a period of one week from the date of receipt of a copy of this order.

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

ii) On receipt of the application from the petitioner, the third respondent is directed to grant permission to the petitioner



to transport the remaining 60 units of the alluvial soil as originally permitted by the authority concerned within a period of one week from the date of receipt of such application.

No costs.

WEB COPY

Sd/-

Assistant Registrar(Cs-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Assistant Director of Mines and Minerals,
Collectorate Office,
Tirunelveli, Tirunelveli District.
3. The Tahsildar,
Kadayanallur Taluk,
Kadayanallur, Tirunelveli District.

+1cc to Mr.T.Indrachithu, Advocate Sr.No.80489

+1cc to Spl.Government Pleader Sr.No.80618

TM

VB/SV/SAR1/07.09.2018/3P/6C

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