



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.16473 of 2019

and

W.M.P. (MD) No.13138 of 2019

G.Inbarajan

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
O/o.the Tahsildar,
Sankarankovil,
Tirunelveli District.

4.The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd and 3rd respondents to survey and demarcate the public pathway in S.No.50/2, Vadakku Puthur Village, Sankarankovil Taluk, Tirunelveli District, within the time that may be stipulated by this Court, so as to enable the petitioner to carry out quarrying of the petitioner's patta land in S.No.50/1A and 50/3 in the light of the order made by this Court in W.P.(md) No.19187 of 2018 dated 12.09.2018.

For Petitioners : Mr.M.Mahaboob Athiff for
M/s.Ajmal Associates
For Respondents : Mr.P.Kannithevan, AGP

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd and 3rd respondents to survey and demarcate the public pathway in S.No.50/2, Vadakku Puthur Village, Sankarankovil Taluk, Tirunelveli District, within the time that may be stipulated by this Court, so as to enable the petitioner to carry out quarrying of the petitioner's patta land in S.No.50/1A and 50/3 in the light of the order made by this Court in W.P.(md) No.19187 of 2018 dated 12.09.2018.



2. Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner has been given a quarry lease by the orders of the District Collector i.e., the 1st respondent vide Rc.No.M1/5931/2013 dated 21.03.2018. In the said order, 1st respondent has specifically stated that the quarried minerals can be transported through the plan marked cart track passing in S.F.No.50/2, which links the Anaiyur - Vadakkuputhur road. Though such order was passed, when the petitioner attempted to make a way to reach the quarry site, the entire way marked to reach the quarry site, as communicated in the order of the District Collector dated 21.03.2018, has been occupied by some third parties. Therefore, the petitioner had made request to the revenue department to survey and demarcate the pathway, so that, the petitioner can operate the quarry activities through the way or cart track earmarked in this regard. Pursuant to which, when an attempt was made to survey the land, it was found by the revenue authorities that, there had been an occupation.

5. Therefore, in this regard, the learned Special Government Pleader appearing for the respondents, on instructions, would submit that there are two ways possible to reach the quarry site, one is in patta land, therefore, the pattadars are objecting and in the other way, which is available in the poramboke land in S.No.50/2 as has been indicated in the order of the District Collector in the quarry lease permit, since there has been number of occupancies, the revenue authorities could not immediately earmark the pathway enabling the petitioner to move for quarry operations.

6. However, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that if some reasonable time is given, within which, the revenue authority would arrange a peace committee meeting between the occupants as well as the petitioner and ultimately find an amicable solution and thereafter, they would be in a position to identify the cart track, enabling the petitioner to reach the quarry site for quarrying operations.

7. I have heard the said submissions made by the learned counsel on both sides.

8. As has been pointed out by the learned Additional Government Pleader appearing for the respondents, since there has been number of occupancy or encroachment in the said cart track, which in the only way to reach the quarry site, the revenue people can take some reasonable time, within which, the issue can amicably be settled and the pathway can be identified and be made ready, enabling the



petitioner to use the same for quarrying activities as has been permitted by the order of the District Collector in the quarry lease.

9. In that view of the matter, this writ petition is disposed of with the following direction:

"The respondents are hereby directed to take necessary steps to settle the issue amicably between the encroachers and the petitioner and identify and earmark the cart track leading to the quarry site and the needful shall be completed by the revenue authorities i.e., the respondents herein with the help of the police force, within a period of eight weeks from the date of receipt of a copy of this order.

10. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Sankarankovil Taluk, Tirunelveli District.
3. The Taluk Surveyor,
O/o. the Tahsildar,
Sankarankovil, Tirunelveli District.
4. The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate SR-77485.

Order made in
W.P. (MD) No. 16473 of 2019
and W.M.P (MD) .13138 OF 2019

Dated:

24.07.2019