



W.P.(MD) No.8868 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.8868 of 2020
and
W.M.P.(MD)No.8128 of 2020
(Through Video conferencing)

A.Innasi

...Petitioner

-Vs-

1.The District Collector
Sivagangai District
Sivagangai.

2.The Assistant Director of Geology
and Mining, Sivagangai,
Sivagangai District.

3.The District Revenue Officer
Sivagangai, Sivagangai District.

4.The Revenue Divisional Officer
Devokottai, Sivagangai District.

5.The Tahsildar
Karaikudi, Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, forbearing the respondents herein from granting any license or permitting any persons from removing sand from the S.No.176/1 and S.No.287/1 situated at Avudipogai Village,



W.P.(MD) No.8868 of 2020

O.Siruvayal Post, Karaikudi Taluk, Sivagangai District and also to take appropriate preventive measures to protect the water body and pass appropriate orders.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

[Order of the Court was made by **M.SATHYANARAYANAN, J.,**]

The petitioner is a resident of Avudaipoigai, O.Siruvayal Post, Karaikudi Taluk, Sivagangai District and according to him, the petitioner and 84 others remain in possession of certain extent of land in S.No.176/1 and S.No.287/1, situate in the said village and vide proceedings of the Settlement Officer, Madurai dated 27.02.1998, a direction was given to issue patta and however, the said order was reviewed by the Special Commissioner, Commissioner of Land Administration, Chepauk, Chennai, dated 21.12.2001 in proceedings R.Dis.(K1)/49916/2001 and the said lands were ordered to be classified as 'Aavudaipoigai Kanmoi' and 'Oorani Poramboke' in the revenue records.



2. A challenge was made to the said proceedings by filing W.P.No.15202 of 2002 before the principal Bench of this Court and vide final orders, the matter was remanded to the said Official for reconsideration and according to the learned counsel appearing for the petitioner, orders are yet to be passed.

3. The primordial submission made by the learned counsel appearing for the petitioner is that in the light of the remanding of the matter to the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai, the petitioner and others are deemed to be pattadhars in respect of certain extent of lands in the above said survey numbers and rest of the lands remain as water body and attempts are being made to grant licence to take 'Savadu Soil' and in that event, there will be depreciation of water and the agriculturists, who are in possession of the lands nearby to the water body, would be affected and a representation dated 10.07.2020 has also been submitted in this regard and since the same did not invoke any kind of response, the petitioner is constrained to approach this Court by filing this writ petition.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader



accepts notice on behalf of respondents and would submit that if really, the proceedings are pending before the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai, appropriate instructions will be given for early disposal of the said proceedings and the said submission, on instructions, is placed on record. The learned Special Government would further submit that the fifth respondent has sent a communication dated 07.08.2020 in Na.K.Aa2/5126/2019, addressed to the office of the Government Pleader and would submit that as per 'A' Register, the lands admeasuring to an extent of 6.42.0 hectares in Survey No.176/1 and 2.42.50 hectares in Survey No.287/1 at Thiruvelankudi Group, are classified as 'Government Poramboke Oorani' and there is a water in the water body and it has been used by public as well as others and no illegal attempts have been made to remove the gravel and the learned Special Government Pleader would also submit that periodical inspection would also be conducted to prevent any illegal activities either in the form of extracting the soil or the water. The letter of fifth respondent dated 07.08.2020 is also taken on file and record.

5. In the light of the same, the apprehension expressed by the petitioner is wholly unfounded and therefore, no further orders are



W.P.(MD) No.8868 of 2020

necessary. Therefore, this writ petition is closed. However, the matter after remand to the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai is pending. The said official shall take up the matter and give disposal in accordance with law as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.N. J.,] [P.R.M. J.,]
07.08.2020

Index : No
Internet : Yes

vsm

Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

(ii) Mark a copy of this order to the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai – 600 005.



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M.SATHYANARAYANAN, J.,
and
P.RAJAMANICKAM, J.,

vsm

To

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