



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.11667 of 2020

R.Manikandan

... Petitioner

Vs

1.The District Collector
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

4.The Assistant Director
Mines and Minerals Department,
Tenkasi District.

5.The Executive Engineer
Water Sources (Tanks),
Public Works Department,
Tenkasi District,
Tenkasi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant permission to take vandul soil from the Puthukulam Water Tank situated at Survey No.1341, Naranapuram Revenue Village, Sivagiri Taluk, Tenkasi District for the petitioner's agricultural land situated in Survey Nos.134/1B and 2/1, comprising in Patta No.1112, situated at Pattakurichi village, Sivagiri Taluk, Tenkasi District as per District Gazette issued by the first respondent in Na.Ka.No.M1/12702/2020 dated 20.07.2020, by considering the petitioner's representations dated 18.05.2020 and 27.08.2020.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant permission to take vandal soil from the Puthukulam Water Tank situated at Survey No.1341, Naranapuram Revenue Village, Sivagiri Taluk, Tenkasi District, for the petitioners agricultural land situated in Survey Nos.134/1B and 2/1 comprised in Patta No.1112, situated at Pattakurichi village, Sivagiri Taluk, Tenkasi District, as per District Gazette issued by the first respondent in Na.Ka.No.M1/12702/2020, dated 20.07.2020 by considering the petitioner's representations, dated 18.05.2020 and 27.08.2020.

2. Heard Mr.T.Veerakumar, learned counsel appearing for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents.

3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that he is the owner of the aforementioned agricultural lands. According to him, on 20.07.2020, the first respondent issued a gazette notification to allow the farmers and potters to take Silt (vandal soil) from the notified water bodies. According to the petitioner, Puthukulam Tank situated at Survey No.1341, Naranapuram Revenue Village, Sivagiri Taluk, Tenkasi District, is a notified water tank.

5.According to the petitioner, he submitted an application to the respondents on 27.08.2020, seeking permission to take Silt (vandal soil) in order to enrich and develop nutritional content in his agricultural land. According to the petitioner, as per his application, the Revenue Inspector, Vasudevanallur Firka and the Village Administrative Officer, Pattakurichi Village, visited the petitioner's agricultural land and Puthukulam Water Tank.

6.According to the petitioner, they have also recommended to the third respondent to give permission to the petitioner to take Silt (vandal soil), but, according to him, till date, permission has not been granted to the petitioner to take Silt (vandal soil) from the Water Tank to the agricultural lands, despite the petitioner's representation dated 18.05.2020 and 27.08.2020. Under such circumstances, this writ petition has been filed for a Mandamus seeking direction to the respondents to consider the petitioner's representations, dated 18.05.2020 and 27.08.2020.

7. The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondents, if the petitioner's representations are considered on merits and in accordance with law.



8.This Court has also perused and examined the recommendations made by the Revenue Inspector, Vasudevanallur Firka, dated 28.08.2020 as well as the recommendation made by the Village Administrative Officer, Pattakurichi Village, dated 28.08.2020.

9.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representations, dated 18.05.2020 and 27.08.2020 seeking permission to take Silt (vandal soil) from Puthukulam Tank is situated at Survey No.1341, Naranapuram Revenue Village, Sivagiri Taluk, Tenkasi District for the petitioner's agricultural land situated in Survey Nos.134/1B and 2/1 comprised in Patta No.1112, situated at Pattakurichi village, Sivagiri Taluk, Tenkasi District and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

10.With the aforesaid directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : 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.

To

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Water Sources (Tanks),
Public Works Department,
Tenkasi District,
Tenkasi

+1 CC to M/s.GP (SR-20571[F] dated 19/10/2020

W.P. (MD) No.11667 of 2020

16.10.2020

MR (CO)

NR (21/10/2020) 4P 7C