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W.P.(MD)No.14596 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2020

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THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.P. (MD)No.14596 of 2020

&

W.M.P. (MD)No.12247 of 2020

Jesuraj, S/o.Vedhamuthu

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Assistant Director,
Department of Geology and Mines,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to prevent the illegal quarrying of sand at the lands situated in Pallamittan, Southsanthanur and Seyyangkottai Villages in Manamadurai Taluk, Sivagangai District.

For Petitioner : Mr.A.K.Manickam

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

(Order of the Court was made by B.PUGALENDHI, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to prevent the illegal quarrying of sand at the lands situated at Pallamittan, Southsanthanur and Seyyangkottai Villages in Manamadurai Taluk, Sivagangai District.

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2. According to the learned counsel appearing for the petitioner, some persons purchased the lands at S.Nos.343, 347, 348, 349, 351 to 354, 369, 370, 371 and 372 and started quarrying operations illegally by using heavy machineries.

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3. Mrs. J. Padmavathi Devi, learned Special Government Pleader who takes notice for respondents, produced a copy of the proceedings issued by the District Collector, and submitted that one A.S.K. Sundaramoorthy, S/o. Kayambu, has applied for permission for reclamation of agricultural land by removing and transporting excess gravel from S.F.Nos.348/6, 348/7, 348/8 and 348/9 in Southsanthanur Village, Manamadurai Taluk, Sivagangai District, over an extent of 1.22.0 Hectare, for a period of 55 days and the District Collector, Sivagangai District, after ascertaining the same, vide his proceedings in R.O.C.No.M2/777/2020, dated 06.10.2020, granted permission to the said A.S.K. Sundaramoorthy. Accordingly, a sum of Rs.3,29,373/- [Rupees Three Lakhs Twenty Nine Thousand Three Hundred and Seventy Three] was also remitted by the permit holder towards seigniorage fees for the quantity of 9981 cu.m. of gravel.

4. The said submission of the learned Special Government Pleader appearing for the respondents that one A.S.K. Sundaramoorthy has obtained due permission from the competent authority viz., the District Collector, Sivagangai District, for taking the gravel from the lands, is placed on record. Moreover, the Writ Petition has been filed without even arraying the said A.S.K. Sundaramoorthy and the other owners of the lands in question, as necessary parties.

5. Hence, we find that there is no merit in the Writ Petition and therefore, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// 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.

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To

- 1.The District Collector,
Sivagangai District.
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CK(CO)

NR (06/11/2020) 3P : 5C