



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU
W.P.No.26623 of 2021

Muruganantham

.. Petitioner

Vs.

1. The Collector
Office of the Collectorate
Thiruvarur District.
2. The Commissioner
Hindu Religious and Charitable
Endowment Board
Nungambakkam High Road
Chennai 34.
3. The Joint Commissioner
Hindu Religious and Charitable
Endowment Board
Thanjavur.
4. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Board
North Street
Thiruvarur.
5. The Executive Officer
A/M Manthirapureeswarar Devasthanam
Kovilur, Muthupettai
Thiruthuraipoondi Taluk
Thiruvarur.
6. The District Mines and Minerals Officer
Department of Mines and Minerals
Nagapattinam.
7. Sankar

.. Respondents



Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 6 to conduct enquiry on the petitioner's representation dated 01.07.2020 in securing the temple land comprised in S.Nos.145, 148, 149, 215, 223/1, 234/4, 232, 233, 234, 235, 236, 237, 238 and 240 situated at Mangalur Village, Muthupettai, belonging to the fifth respondent within the time frame fixed by this Court.

For the Petitioner : Mr.S.Arivazhagan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.S.J.Md.Sathik
for respondents 1 & 6

Mr.T.Chandrasekar
Spl. Govt. Pleader
for respondents 2 to 5

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This public interest litigation has been filed alleging illegal digging of land beyond 20 feet depth and removing the sand from the agricultural land belonging to the temple, in violation of the Tamil Nadu Minor Mineral Concession Rules, 1959.

2. Learned Special Government Pleader, as per the instructions, submits that pursuant to the representation of the petitioner dated 22.06.2020, made earlier to the representation dated 01.07.2020, the fifth respondent has taken action and removed the dumped alluvial soil and brought back the agricultural lands to cultivation. Therefore, the allegation of the petitioner that the soil has been removed in violation of the Tamil Nadu Minor Mineral Concession Rules, 1959 is incorrect. Rather, the land is brought back to cultivation.

3. We have considered the submissions made by both the parties. We do not find any material to show that there was digging of agricultural land 20 feet deep destroying the agricultural use of the land. The instruction given by the fifth respondent shows that the land has been brought back to agricultural use, which was immediately after the receipt of the first representation of the petitioner dated 22.06.2021.

4. In view of the above, we dispose of the writ petition,



with liberty to the petitioner to make a representation to the respondents if there is any violation of the Tamil Nadu Minor Mineral Concession Rules, 1959 or the agricultural land is used for any other purpose than agriculture and if the grievance is not redressed, to take appropriate action thereupon.

W.P.No.26623 of 2021 is disposed of. There will be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kpl

To:

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Thiruvarur.



6. The District Mines and Minerals Officer
Department of Mines and Minerals
Nagapattinam.

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No.66779

+1cc to the Government Pleader, S.R.No.67108

W.P.No.26623 of 2021

SSI (CO)
CT 19/01/2022