



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24643 of 2019

and

W.M.P.No.24293 of 2019

E. Anantha Kumar

.....Petitioner

vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Assistant Director of Mines,
Villupuram District,
Villupuram.

.... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order having reference Na.Ka./Ma(a)M/218/2019 dated 01.04.2019 on the filed of the 1st respondent and quash the same and consequently direct the first Respondent to issue permission to transport the soil from S.F.No.155/09, 155/10 vilukkam village, Thindivanam Taluk to S.F.No.90/6B Vallam Village, Gingee Taluk.

For Petitioner
For Respondents

: Mr. E.P. Senniyangiri
: Mr. B. Vijay,
Additional Government Pleader

ORDER

The present petition has been filed seeking quashment of the impugned order dated 01.04.2019 passed by the 1st respondent and a direction to the 1st respondent to issue permission for transportation of soil.

2. The case of the petitioner is that the petitioner dug a well in his agricultural land for agricultural purpose and the petitioner sought permission from the 1st respondent to transport the soil dug from the well, to the land belonging to his brother, which is located in the Villupuram District. After having inspected the land, the Tahsildar, Thindivanam taluk and the Tahsildar, Gingee made recommendations for granting permission to transport the soil, to the 1st respondent herein on



20.12.2018 & 07.12.2018 respectively. However, no action was taken on the same by the 1st respondent. Therefore, the petitioner made a detailed representation dated 04.03.2019 to the 1st respondent seeking permission for transportation of soil. Since, no action was taken on the same, the petitioner filed a Writ Petition in W.P.No.8659 of 2019 in which the 1st respondent was directed to consider the petitioner's representation dated 04.03.2019 and to pass appropriate orders on the same, in the light of the recommendations made on 20.12.2018 & 07.12.2018. Despite the same, the 1st respondent had passed an impugned order dated 01.04.2019 rejecting the request of the petitioner for transportation of soil, against which the present petition has been filed seeking quashment of the said impugned order.

3. Learned counsel for the petitioner submits that though the reports for issuing permission to transport the soil, were given by the concerned Authorities after conducting field inspections for transportation of soil, the 1st respondent had failed to consider the same and had passed an impugned order dated 01.04.2019 rejecting the request of the petitioner for transportation of soil.

4. Learned Additional Government Pleader for the respondents submits that the petitioner is a habitual offender and had already involved in illegal transportation of gravel sand, for which the penalty to the tune of Rs.20,12,362/- was imposed by the Sub Collector, Thindivanam vide his proceedings dated 07.02.2017 and the same was not paid by the petitioner. Aggrieved by the said order, the petitioner filed a Writ Petition in W.P.No.6737 of 2017 before this Court in which this Court vide its order dated 23.03.2017 had imposed a cost to the tune of Rs.6,25,000/- to be paid by the petitioner and the same was not complied with by the petitioner. Therefore, granting relief in the present petition would be nothing but giving an opportunity to the petitioner to repeat the offence. Hence, the present petition is liable to be dismissed.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. A careful perusal of the materials available on record reveals that the petitioner was involved in illegal transportation of gravel sand, for which the fine of Rs.20,12,362/- was imposed by the Sub Collector, Thindivanam vide proceedings dated 07.02.2017 against which the petitioner filed a Writ Petition in W.P.No.6737 of 2017 before this Court, in which this Court had imposed a cost of Rs.6,25,000/- to be paid by the petitioner vide its order dated 23.03.2017 and the same was not complied with.



7. The above facts alleged that the petitioner is a habitual offender and his act has been deprecated by this Court. In such a backdrop granting the relief sought for would be nothing but giving licence to the petitioner to commit the illegal act. Therefore, the relief sought for by the petitioner cannot be granted.

8. In the aforesaid circumstances, this Court does not find any perversity in the impugned order and therefore this Writ Petition is deserves to be dismissed. Accordingly, this Writ is dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

NHS
To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Assistant Director of Mines,
Villupuram District,
Villupuram.

+1 cc to Government Pleader Sr.NO. 64357

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GPL(CO)
A.SK(27.01.2022)