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IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WMP No. 27440 of 2017
in WP No. 10360 of 2017

1.K.RAJAMANICKAM
S/o.Kuppasamy Naicker

2. K.SASIKUMAR
S/o.Kuppasamy Naicker

3. K.RAJA
S/o.Kuppusamy Naicker,

...Petitioners/ Petitioners

-vs-

1.THE DISTRICT COLLECTOR
Thiruvannamalai District, Thiruvannamalai

2. THE TAHSILDAR
Thandrampet Taluk

3. THE VILLAGE ADIMINISTATIVE
Officer, Veeranam Village, Thandrampet Taluk,
Thiruvannamalai District

4. THE GENERAL MANAGER
Tamil Nadu Minerals Ltd, TWAD House,
No.31, Kamaraj Salai, Chepauk, Chennai-5.

5. THE MANAGING DIRECTOR
Tamil Nadu Minerals Ltd, TWAD House,
No.31, Kamaraj Salai,
Chepauk, Chennai-5.

...Respondents / Respondents

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Appoint an Advocate Commissioner to inspect the excavated property belonged to the Petitioners / Petitioners, to an extent of about 0.10 cents, comprised in Survey No. 126/2, situated at Veeranam Village, Thandarampet Taluk, Thiruvannamalai District and report this Honble Court.



This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the respondents particularly the respondents 4 and 5 to compensate to the tune of Rs.20,00,000/- towards compensation for illegal excavation of granite stones to an extent of 0.20 cents and also using petitioners land as a pathway illegally to the extent of 0.10 cents in the land i.e, a portion of property comprised in Survey No.126/2, situated at Veeranam Village, Thandarampet Taluk, Thiruvannamalai District on the basis of 1st petitioner representation dated 28.2.2017.

Order: This petition coming on for hearing on this day upon perusing the Petition and affidavit filed in support thereof and upon hearing the arguments of R.Thanjan, Advocate for the Petitioner and of Mr. G. Krishnaraja Government Counsel, for the Respondents 1 to 5, and this Court made the following order:

According to the petitioners, they are the absolute owners of the properties in new survey no.154/27, Veeranam Village, Thandarampet Taluk, Tiruvannamalai District, measuring to an extent of 3.27 cents. During the month of December, 2014, the respondents 4 and 5, while doing the mining works in the surrounding areas, have intercepted the petitioners' lands illegally, without any right and title over the same, particularly, in S.No.126/2 to an extent of 0.10 cents and dug up to the depth of 50 feet and extracted granite stones thereby, causing extensive damage to the petitioners' lands and using the same as pathway. Hence, they prayed that an Advocate Commissioner be appointed to inspect the excavated property belonging to the petitioners and file a report to assist this court with regard to the issue involved herein.

2.On the other hand, the learned Government counsel appearing for the respondents has brought to the notice of this court the status report dated 17.08.2020 filed by the respondents 4 and 5, wherein, in paragraph 3, it is specifically stated that the respondents were not carrying out any quarrying work in the petitioners' patta lands in S.No.126/2 and there was no granite deposit found in the same, as per the report filed by the Assistant Director (Mines), Thiruvannamalai.

3.The aforesaid averments made in the status report filed by the respondents 4 and 5 have been seriously refuted by the learned counsel appearing for the petitioners. According to him, the quarrying operations had already been completed before conducting the inspection by the authorities concerned and the status report is silent as regards the particulars regarding illegal quarrying. Therefore, the appointment of an Advocate Commissioner is absolutely necessary to find out the actual position of the subject properties.



4.Considering the rival submissions, this Court is inclined to appoint an Advocate Commissioner for the purpose of ascertaining the factual matrix.

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5.Accordingly, Mr.P.Haribabu, Advocate, Enrol. No.1657/2003, having office at Old No.290, New No.86, II Floor, Thambu Chetty Street, Chennai-600 001, Mobile No.96000 79095, is appointed as Advocate Commissioner, who shall go and inspect the subject properties, after issuing due intimation to all the parties and in the presence of the respective parties along with their learned counsel with the assistance of the revenue officials. While doing such inspection, he shall find out the following:

(i)whether quarrying operations were taken place in the petitioners' lands. If so, what is the extent of the lands and the damage caused by such quarrying operations; and

(ii)whether the petitioners' lands are used as pathway illegally by the respondents 4 and 5. and submit a detailed report along with the necessary documents, photographs, sketch, etc., within a period of two weeks. The petitioners are directed to pay a sum of Rs.30,000/- (Rupees thirty thousand only) towards remuneration to the Advocate Commissioner, apart from transportation and other incidental charges, within a period of two days. All the parties shall render their co-operation to the Advocate commissioner to complete the task assigned to him.

6.This petition stands disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1. THE DISTRICT COLLECTOR
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar,
Thandarampet Taluk.



3. The Village Administrative Officer,
Veeranam Village, Thandarampet Taluk,
Thiruvannamalai District.

4. THE GENERAL MANAGER
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5. THE MANAGING DIRECTOR
Tamil Nadu Minerals Ltd, TWAD House,
No.31, Kamaraj Salai,
Chepauk, Chennai-5.

6. Mr. P. Haribabu, Advocate
Enrl No. 1657/ 2003
Old No. 290, New No. 86, II Floor
Thambu Chetty Street
Chennai 600 001
Mobile No. 96000 79095

Copy to

The Section Officer,
Writ Section,
High Court, Madras.

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RSI[co]
NSK 08/10/2021