



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 03.08.2021
(Reserved on 05.07.2021)**

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.5851 of 2021

and

WMP (MD)No.4588 of 2021

WEB COPY

D.Rasalraj

... Petitioner

vs.

1)The District Collector,
Virudhunagar District, Virudhunagar.

2)The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Aruppukottai Taluk, Virudhunagar District.

3)The Revenue Tahsildar,
O/o. The Revenue Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

4)The Block Development Officer,
O/o. The Block Development Officer,
M.Reddiapatti, Virudhunagar District.

5)The Village Administrative Officer,
O/o. The Village Administrative Officer,
Kalloorani-626 105,
Aruppukottai Taluk,
Virudhunagar District.

6)M/s.Siva Siva Stone Quarry,
Meenakshipuram Road,
Meenakshipuram (Konganakurichi),
Aruppukottai Taluk,
Virudhunagar District.

7)M/s.Pankajam Quarry,
Aladipatti Road,
Aladipatti,
Aruppukottai Taluk,
Virudhunagar District.

8)M/s.Vinayaga Stone Quarry,
Aladipatti Road, Muthuramalingapuram,
Aruppukottai Taluk,
Virudhunagar District.



9)M/s.R.R. Quarry and Crusher,
Aladipatti Road, Muthuramalingapuram,
Aruppukottai Taluk,
Virudhunagar District.

10)Sree Muruga Quarry and Crusher,
Bommakottai, Kariselkulam,
Aruppukottai Taluk,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to stop the lorries of the respondents 6 to 10 from the usage of the roads of villages situated at Kalloorani to Kurunaikulam, Madathupatti, Kandamangalam and Thiruchuli situated at Virudhunagar District, for transporting their heavy loaded quarry materials and consequently direct the respondents 1 to 5 to take action against the 6th to 10th respondents for having utilised the public road for transportation of quarry materials by considering the petitioner's representation dated 17.02.2021 within the stipulated time.

For Petitioner	: Mr.L.Prabhu
For R1 to R5	: Mr.P.Thilak Kumar Government Advocate
For R6 to R10	: Mr.K.Govindaraj for Mr.M.Karthikeyavenkitachalapathy

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to stop the lorries of the respondents 6 to 10 from the usage of the roads of the villages situated at Kalloorani to Kurunaikulam, Madathupatti, Kandamangalam and Thiruchuli situated at Virudhunagar District, for transporting their heavy loaded quarry materials and consequently direct the respondents 1 to 5 to take action against the 6th to 10th respondents for having utilised the public road for transportation of quarry materials, by considering the petitioner's representation dated 17.02.2021 within the stipulated time.

2.The learned counsel for the petitioner would state that there is a separate Thar road laid and situated for the movement of heavy vehicles by 20 kms on the way of Kalloorani, Northempatti, Muthurama Lingapuram and Aladipatti vilakku and without using the said Thar road, in order to save the fuel and time, the lorries of the respondents 6 to 10 are proceeding with quarried materials on the kanmai road situated near Velankulam Kanmoi thereby affecting the bunds of Velankulam Kanmoi, agricultural activity, villagers and public at large and the abovesaid lorries must be prevented for the



safety of the villagers, Hence, the petitioner sent a representation dated 29.01.2021 through the Perunthalavar Makkal Mennetra Kazhagam to the respondents 1 to 5, but no action was taken. He would further state that there is a school namely, SPK Higher Secondary School situated on the way which are used by the lorries for carrying out the quarried materials and due to the dust emanated by the abovesaid lorries while plying, the students of the school are very much affected. According to the petitioner, no prior permit was received from the revenue authorities for plying the abovesaid lorries through the kanmoi bunds and through the water bodies which are to be preserved for the welfare of the villagers and the Velankulam Kanmai situated in the village is the main source of irrigation and for agricultural purposes. Narrating the above, the petitioner has made a representation dated 17.02.2021 to the respondents 1 to 5, but no action was taken. Hence, this writ petition.

3.The 8th respondent has filed counter. The learned counsel for the respondents 6 to 10 would state that the allegation of the petitioner that plying of lorries owned by the respondents 6 to 10 affects the kanmai and water bodies on Kallurani to Karunaikulam road, is only to threaten the respondents 6 to 10/quarry owners and to extract money from them. Mere usage of public road for transportation of quarried materials cannot be termed as illegal and plying of transport vehicles through the rural roads no way affects the Velankulam kanmai and the other water bodies located abutting the roads. He would further state that in 2010, a peace committee meeting was conducted by the revenue officials regarding the usage of the subject narrow roads for transporting the quarried materials, in which, the villagers and the respondents 6 to 10/quarry operators participated and the quarry operators accepted and followed the instructions given by the revenue officials and utilising the subject roads for transporting minerals and till date, no untoward incident has occurred and even the damage to the road due to natural factors were repaired by the quarry operators at their own cost. According to the private respondents, their lorries are plying only in the roads and not in the kanmai area as alleged by the petitioner and now the water body is filled with rain water. The allegation of the petitioner that due to transportation of lorries, agricultural activities are very much affected, is highly improbable and false. Further, plying of lorries no way intervenes the school activity and the students' movement.

4.He would further state that the Government through the District Rural Development Authority have issued work order dated 07.02.2019 for laying road in Thiruchuli block from Kallurani-Karunaikulam road to Kallurani-Meenakshipuram link road and if the roads are laid, the issue in this writ petition will come to an end amicably. It is further stated that the subject roads are not utilised by the passenger transport buses and the ordinary



running through their villages.

5.The learned counsel for the respondents 6 to 10 would further state that on the complaint of the petitioner to the police officials, the quarry operators were summoned by the police for enquiry and they appeared and explained about the usage of rural roads without making hindrance. The police officials referred the issue to the revenue department and suppressing the same, the petitioner has approached this Court with unclean hands. Thus, he would pray for dismissal of the writ petition.

6.The learned Government Advocate for the respondents 1 to 5 has also reiterated the similar contentions and would pray for dismissal of the writ petition.

7.Heard the learned counsel for the petitioner, learned Government Advocate for the respondents 1 to 5 and the learned counsel for the respondents 6 to 10.

8.It is the grievance of the petitioner that the lorries of the respondents 6 to 10/quarry operators are proceeding on the way of Velankulam kanmai thereby affecting the kanmai bunds and water bodies situated on Kallurani-Karunaikulam. Perusal of the counter affidavit would show that in 2010, a peace committee meeting was conducted by the revenue officials regarding the usage of the subject village roads for transporting the quarried materials by the respondents 6 to 10, in which, the villagers and the quarry operators/ respondents 6 to 10 participated and the quarry operators accepted and followed the instructions given by the revenue officials and utilising the subject roads for transporting minerals without any disturbance and therefore, the contention of the petitioner that the lorries of the respondents 6 to 10 are plying on the subject roads without prior permission, cannot be accepted. Further, there is no evidence that plying of lorries on the subject roads affected the agricultural activity and the school activity of the school situated therein.

9.Perusal of the resolution dated 03.05.2010 passed by the Kallorani Village Panchayat enclosed in the typed set of papers would show that fund has been sanctioned for widening Kallorani-Aaladipatti road. As rightly contended by the respondents, since the work order dated 07.02.2019 has been issued for laying and widening the road in Thiruchuli block from Kallurani-Karunaikulam road to Kallurani-Meenakshipuram link road, if the roads are laid as per the work order, the issue in this writ petition will come to an end amicably and the grievance of the petitioner will stand redressed. In my opinion, the contentions raised in the writ petition lack merit.

10.Therefore, the writ petition is dismissed with an observation that the official respondents shall ensure that the



subject roads are laid as expeditiously as possible through the District Rural Development Authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala

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

1)The District Collector,
Virudhunagar District,
Virudhunagar.

2)The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.

3)The Revenue Tahsildar,
O/o. The Revenue Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

4)The Block Development Officer,
O/o. The Block Development Officer,
M.Reddiapatti, Virudhunagar District.

5)The Village Administrative Officer,
O/o. The Village Administrative Officer,
Kalloorani-626 105,
Aruppukottai Taluk,
Virudhunagar District.

W.P(MD)No.5851 of 2021

DATED : 03.08.2021

RD(10.08.2021) 5P 6C