



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13338 of 2021

and

W.M.P. (MD)No.10319 of 2021

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S.Sureshkumar

... Petitioner

-Vs-

- 1.The District Collector,
The District Collector Office,
Pudukottai District.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Aranthangi, Pudukottai District.
- 3.The Thasilthar,
Aranthangi Taluk Office,
Aranthangi Taluk,
Pudukkottai District.
- 4.The Inspector of Police,
Aranthangi Police Station,
Aranthangi, Pudukkottai District.
- 5.The Sub Inspector of Police,
Nagudi Police Station,
Nagudi,Aranthangi Taluk,
Pudukkottai District.

6.Amuthavalli

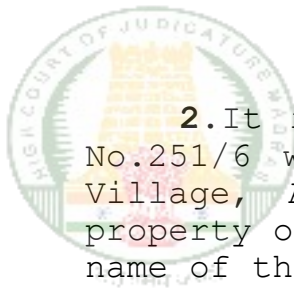
... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to prevent the illegal quarrying and bricks manufacturing by the 6th respondent in survey number 251/6 of Eganivayal Village, Aranthangi Taluk, Pudukkottai District.

For Petitioner	: Mr.R.Paranjothi
For R1 to R5	: Mr.D.Ghandiraj Government Advocate
For R6	: Mr.S.Rajamanickam

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 to 3 to prevent the illegal quarrying and bricks manufacturing by the 6th respondent in survey number 251/6 of Eganivayal Village, Aranthangi Taluk, Pudukkottai District.



2.It is a claim of the petitioner that the property at Survey No.251/6 with an extent of 21 cents of Nanja Land of Eganivayal Village, Aranthangi Taluk, Pudukkottai District is an ancestral property of the petitioner, for which, patta originally stood in the name of the grandfather of the petitioner namely, Karuppan.

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3.In this regard, a third party seems to have filed a civil suit in O.S.No.82 of 1988 before the District Munsif Court, Aranthangi for the relief of partition, in respect of the joint family property and the subject property ie., Survey No.251/6 is also one of the items, which was sought for partition. A Judgment and decree by the District Munsif Court, Aranthangi was passed in the partition suit on 04.10.1993 and the Judgment and decree was confirmed up to second appeal by this Court.

4.When that being so, according to the petitioner, on 31.03.2021, the sixth respondent and her men dug the pit in the said property with the help of JCB and though the petitioner made an attempt to prevent them, there had been wordy quarrel arose between the parties. Resultantly, a police complaint was given in this regard.

5.It is the grievance of the petitioner that, the sixth respondent, without having any right over the property in Survey No.251/6 of Eganivayal Village, Aranthangi Taluk, was involving in illegal quarrying of brick earth and therefore, in order to prevent the same, the petitioner had given some representations to the respondents on various dates in the month of June, July, 2021. In order to consider such representations and to prevent the sixth respondent from involving in illegal quarrying of the said land, which, according to the petitioner, belongs to him, the petitioner has moved this writ petition with the aforesaid prayer.

6.At the admission stage, Mr.D.Ghandiraj, learned Government Advocate, had taken notice to get instructions from the respondents. Accordingly, today, when the case is taken up for hearing, the learned Government Advocate has produced a report submitted by the District Collector concerned, who is the first respondent herein, dated 17.08.2021 where *inter alia*, the District Collector has stated the following:

"In this connection, the subject area was jointly inspected by the Tahsildar, Aranthangi, Assistant Geologist, Geology and Mining Pudukkottai, Special Revenue Inspector (Mines) and Revenue Inspector, Athani vide reference 2nd cited and they have reported that the land in S.F.No.251/6 is a dry patta land and stands in the name of Thiru.Muthaiah, S/o.Chinathambi vide patta No.420 as per village accounts. They have further, stated that brick earth has been removed



illicitly from the S.F.No.251/6 for the following dimension.

S.F.No	Average Length (M)	Average Width (M)	Average Depth (M)	Volume of brick earth Removed (CBM)
251/6	17	7.5	0.8	102
			Total	102 CBM or 11 Tipper Loads

4.They have further reported that a total quantity of 102 cubic metre or 11 Tipper loads of brick earth has been illegally removed in S.F.No.251/6 of Eganivayal Village, Aranthangi Taluk, Pudukkottai District.

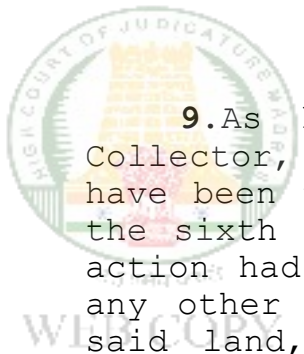
5.In this connection, the Revenue Divisional Officer, Aranthangi has been requested to take action as per Section 21 (5) of Mines and Minerals (Development and Regulation) Act, 1957.

In the circumstances stated above, it is submitted that no permission was granted to anyone for removal of brick earth from the patta land in S.F.No.251/6 of Eganivayal Village, Aranthangi Taluk, Pudukkottai District. It is further submitted that the Revenue Divisional Officer has been requested to take necessary action against the pattadar for having indulged in illegal removal of 102 cubic metre of brick from the land in S.F.No.251/6. It is therefore requested that the above facts may be appraised before the Hon'ble Court and to defend the case."

Relying upon this report, the learned Government Advocate would submit that, since the illegal quarrying was taken place at the site concerned by the sixth respondent, a direction has already been given to the concerned official to take action against the sixth respondent, as there was no quarrying permission was given to the sixth respondent.

7.Therefore, the learned Government Advocate would submit that, as per the report referred to above, action would be taken against the sixth respondent and in view of the same, the petitioner need not have any further apprehension that illegal quarrying would be permitted to be undertaken by the sixth respondent.

8.I have considered the said submission made by the learned counsel for both sides and have perused the report of the District Collector dated 17.08.2021.



9.As has been stated in the said report of the District Collector, which has been quoted hereinabove, since effective steps have been taken by the District Collector to conclude the issue of the sixth respondent's illegal quarrying of the land concerned and action had already been initiated against the sixth respondent or any other persons, who are involving in illicit quarrying in the said land, this Court feels that recording the same, this Writ Petition can be disposed of. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SM

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,
The District Collector Office, Pudukottai District.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Aranthangi, Pudukottai District.
- 3.The Thasilthar, Aranthangi Taluk Office,
Aranthangi Taluk, Pudukkottai District.
- 4.The Inspector of Police, Aranthangi Police Station,
Aranthangi, Pudukkottai District.
- 5.The Sub Inspector of Police,
Nagudi Police Station,
Nagudi, Aranthangi Taluk, Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-30995[F] dated 04/10/2021)

Order made in

W.P. (MD)No.13338 of 2021

01.10.2021

SRK(CO)

GC/JC(15.11.2021) 4P 7C

<https://hcservices.ecourts.gov.in/hcservices/>