



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2021**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13569 of 2021
(through video conference)

P.Rajeswari

... Petitioner

-Vs-

- 1.The District Collector,
Madurai District,
Madurai Collectorate Office,
Madurai.
- 2.The Joint Director,
Mines and Minerals,
Madurai Collectorate Office Campus,
Madurai.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Vellarippatti,
Melur Taluk,
Madurai District.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to remove Savudu soil from the petitioner's land in Patta No.1952 situated at Pattur Village, Melur Taluk, Madurai District by transporting that Savudu soil in the petitioner's land in Patta No.4155 situated at Katchirayanpatti Village, Melur Taluk, Madurai on the basis of the petitioner's application dated 14.09.2020.

For Petitioner : Mr.K.Ravi

For Respondents : Mr.D.Gandhiraj

Government Advocate



ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to grant permission to remove Savudu soil from the petitioner's land in Patta No.1952 situated at Pattur Village, Melur Taluk, Madurai District by transporting that Savudu soil in the petitioner's land in Patta No.4155 situated at Katchirayanpatti Village, Melur Taluk, Madurai on the basis of the petitioner's application dated 14.09.2020.

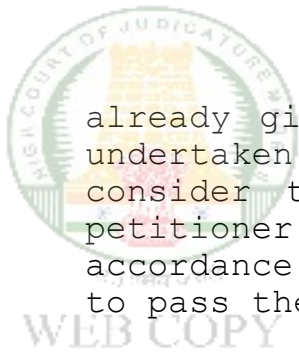
2.The petitioner is having patta land at Katchirayanpatti Village, Melur Taluk, Madurai. He is also having land at Pattur Village, Melur Taluk, Madurai District. In order to make the land at Katchirayanpatti Village as a cultivable land, for which some earth has to be put in, which can be extracted or excavated from his own land at Pattur Village, he had given a request for seeking such permission from the respondents on 14.09.2010.

3.In this context, the petitioner had submitted necessary documents establishing the ownership of the lands of the petitioner in the said villages. The fourth respondent having inspected the lands in question had sent his report on 27.11.2020, recommending that such permission as sought for by the petitioner can be considered for grant. Despite these developments, according to the petitioner, since no order has been passed, even though further recommendatory report has been sent by the Revenue Divisional Officer dated 08.01.2021 that is the third respondent herein, he has approached this Court by way of filing the present writ petition.

4.Heard the learned Government Advocate appearing for the respondents, who would submit that pursuant to the application submitted by the petitioner for seeking permission from the second respondent for extract of savudu soil, subsequent reports were filed to the Government, both by the third and fourth respondents and therefore, based on the reports and by considering further inputs to be supplied by the petitioner and documents in this regard, the second respondent takes a decision and pass orders on the request of the petitioner dated 14.09.2020, on merits and in accordance with law, within the reasonable period that may be stipulated by this Court.

5.I have considered the submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court.

6.In view of the said developments where pursuant to the application of the petitioner, after having inspected the spot, the fourth respondent Tahsildar has given a report on 27.11.2020 and the third respondent Revenue Divisional Officer also sent a report on 08.01.2021., therefore, considering these reports and further inputs



already given or to be given by the petitioner, needful shall be undertaken by the second respondent, who is the authority to consider the application of the petitioner and accordingly, the petitioner's request can be considered and decided, on merits and in accordance with law. In view of this matter, this Court is inclined to pass the following order:

that there shall be a direction to the second respondent to consider the application or request of the petitioner dated 14.09.2020 in the light of the reports submitted by the fourth and third respondents dated 27.11.2020 and 08.01.2021 respectively and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With these directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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, Madurai District,
Madurai Collectorate Office, Madurai.

2. The Joint Director, Mines and Minerals,
Madurai Collectorate Office Campus,
Madurai.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Vellarippatti, Melur Taluk,
Madurai District.

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



4.The Tahsildar,
Melur Taluk,
Madurai District.

+1 CC to M/s.GP (SR-25514[F] dated 06/08/2021)

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Order made in
W.P. (MD) No.13569 of 2021

Dated:
05.08.2021

GS (18.08.2021) 4P 6C