



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. [MD]No.14789 of 2021

Veerammal

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Assistant Director of Geology and Mining,
Pudukottai District,
Pudukottai.

3.The Sub Collector,
Aranthangi,
Pudukottai District.

4.The Tahsildar,
Avudaiyarkoil Taluk,
Pudukottai District.

... Respondent

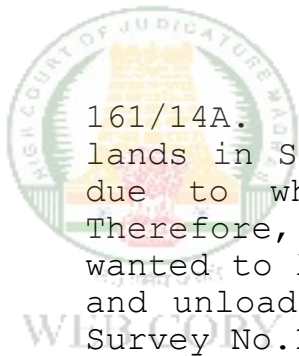
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioner to remove the excess soil which will be extracted while levelling the surface of the lands in Survey No.217/1A and 217/2B and unload the same in the land in Survey No.168/11 situated at Punniyavayal Village, Avudiyarkoil Taluk, Pudukottai District to fill up the pits therein, by considering her representations dated 24.06.2021 and 07.08.2021

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.D.Ghandiraj
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to permit the petitioner to remove the excess soil which will be extracted while levelling the surface of the lands in Survey No.217/1A and 217/2B and unload the same in the land in Survey No.168/11 situated at Punniyavayal Village, Avudiyarkoil Taluk, Pudukottai District to fill up the pits therein, by considering her representations dated 24.06.2021 and 07.08.2021.

2.The petitioner is having agricultural lands in Survey Nos.217/1A, 217/1B, 168/11, 69/19B, 184/4B, 169/22A, 217/3B,
<https://hcservices.ecourts.gov.in/hcservices/>



161/14A. These lands are being irrigated through well water. The lands in Survey No.217/1A and 217/1B are having some ups and downs, due to which, the water supply is not proper to the crops. Therefore, in order to develop the cultivation, the petitioner wanted to level the surface of the lands by removing the excess soil and unload the same in another land belonging to the petitioner in Survey No.168/11, since the said land has some pits.

3.In this regard, the petitioner sought for permission to remove the excess soil and sent a representation on 24.06.2021 to the third and fourth respondents. Having received the said representation, the third respondent vide his proceedings dated 05.07.2021, directed the petitioner to approach the second respondent, as he is the proper authority. Accordingly, on 07.08.2021, the petitioner sent a representation to first and second respondents. However, the said representation has not so far been considered. Therefore, the present writ petition came to be filed.

4.Heard the learned Counsel for the petitioner, who has reiterated the averments made in the affidavit and seeks indulgence of this Court.

5.I have also heard the learned Government Advocate, who, on instructions, would submit that, the said representation or request made by the petitioner on 07.08.2021, to the second respondent would be considered by the second respondent on merits and in accordance with law and in this regard, if need arises, after giving an opportunity of being heard to the petitioner, orders would be passed.

6.Considering the said submissions, this Court is inclined to dispose of this writ petition with the following order:

"There shall be a direction to the second respondent to consider the representation of the petitioner dated 07.08.2021 and after providing an opportunity of being heard, if such need arises, decide the same and pass orders thereon, within a period of two [2] weeks from the date of receipt of a copy of this order."

7.With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

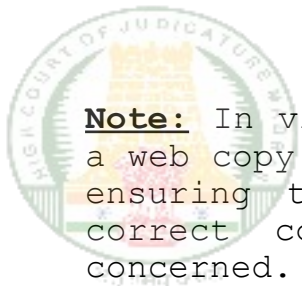
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
 - 2.The Assistant Director of Geology and Mining,
Pudukottai District,
Pudukottai.
 - 3.The Sub Collector,
Aranthangi,
Pudukottai District.
 - 4.The Tahsildar,
Avudaiyarkoil Taluk,
Pudukottai District.
- +1 CC to M/s.GP (SR-27393[F] dated 26/08/2021)

ORDER MADE IN
W.P.[MD]No.14789 of 2021
25.08.2021

RS (17.09.2021) 3P 6C