



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2021**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14982 of 2021
(Through Video Conference)

R.Harish

.. Petitioner

Vs.

The Tahsildar,
Office of the Tahsildar,
Periyakulam Taluk,
Theni District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to extend the license period of the petitioner for the non-operation period by considering the representation of the petitioner dated 12.08.2021 and as per the proceedings of the respondent dated 06.07.2021 in Na.Ka.No.1735/2020/A2.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mr.D.Ghandiraj
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondent to extend the license period of the petitioner for the non-operation period by considering the representation of the petitioner dated 12.08.2021, and as per the proceedings of the respondent, dated 06.07.2021 in Na.Ka.No.1735/2020/A2.

2.That the petitioner had been given permission, by order, dated 06.07.2021, by the respondent, to excavate earth from a Tank called Periya Kanmai at Kullapuram Village, Periyakulam Taluk, Theni District, in order to level the agricultural land belongs to the petitioner for a period between 06.07.2021 and 05.08.2021.

3.Though such an order was passed on 06.07.2021, it is a case of the petitioner that, because of the sudden rain, there has been a water lagging in the water storage in the Tank concerned, in the result, the petitioner could not do the quarry work, and excavated



the earth as has been permitted, now, according to the petitioner, the Tank has dried up, therefore, if the permission granted between 06.07.2021 and 05.08.2021 is extended for a further period of two or three weeks, that is, before the onset of the next monsoon, the petitioner can excavate the earth as has been permitted, only for the purpose of levelling the agricultural land belongs to the petitioner. Hence, in this regard, he has given a representation, dated 12.08.2021, therefore, on that ground, the learned counsel for the petitioner wants that, if a direction is given to the respondent to consider the said representation, dated 12.08.2021, and give such extension permission for a period of two or three weeks immediately, that is, before the onset of the next monsoon, that will be helpful to the petitioner to complete the task of extracting the earth, as permitted, and therefore, he seeks indulgence of this Court to issue a direction to that respect.

4. Heard Mr.D.Ghandiraj, learned Government Advocate, appearing for the respondent, who would submit that, only permission was given to remove the soil or earth and not the sand, and that permission was given for a particular period, that is, between 06.07.2021 and 05.08.2021, and during the period, if the petitioner, as alleged in his representation, could not extracted the soil, because of the alleged water storage of the Tank concerned, that would be looked into, and accordingly, the plea of the petitioner would be considered, and decided on merits for grant of extension of time, and the decision would be taken as quick as possible by the respondent, he contended.

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

6. In view of the said stand taken by the learned Government Advocate appearing for the respondent, this Court is inclined to dispose of this writ petition with the following order:

"that there shall be a direction to the respondent to consider the representation of the petitioner dated 12.08.2021, for the purpose of giving extension of time for extracting earth or soil from the Periya Kanmai Tank, Kullapuram Village, Periyakulam Taluk, Theni District, as per the permission order, dated 06.07.2021, for further period of two or three weeks and the said permission or decision shall be taken on the said representation of the petitioner by the respondent, within a period of one week from the date of receipt of a copy of this order."



7. With this direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

PJL

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
The Tahsildar,
Office of the Tahsildar,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-27088[F] dated 24/08/2021)

+1 CC to M/s.GP (SR-27172[F] dated 25/08/2021)

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