



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

WEB COPY

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.18027 of 2021

A.Rameshkannan

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram-623 503.

2. The Assistant Director of Geology & Mining,
Mines Department,
Collectorate Complex,
Ramanathapuram-623 503.
Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi-623 707.
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to grant permission to the petitioner to remove and take out the soil, while doing levelling work in the lands that are situated in Survey Nos.45/1A, 107/2A, 107/1 and 49/4 in Then Pothuvakkudi Village, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representations, dated 14.07.2021 and 19.08.2021, within the time frame stipulated by this Court.

For Petitioner

: Mr.P.Krishnasamy

For Respondents

: Mr.D.Ghandiraj
Government Advocate



ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the 1st respondent to grant permission to the petitioner to remove and take out the soil, while doing levelling work in the lands that are situated in Survey Nos.45/1A, 107/2A, 107/1 and 49/4 in Then Pothuvakkudi Village, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representations, dated 14.07.2021 and 19.08.2021, within the time frame stipulated by this Court.

2.It is the claim of the petitioner that, the petitioner is having agricultural land at Survey Nos.45/1A, 49/4, 107/2A and 107/1, to the extent of 3.13.38 Ares. According to the petitioner, in order to level the said agricultural land for making it fit for agricultural activities, certain work has to be undertaken by which the excess earth, which can be excavated from the land concerned, have to be taken out from the land and only for the purpose, application had been submitted by the petitioner by way of representation, dated 19.08.2021 to the respondents seeking such permission.

3.It is the further case of the petitioner that, based on the request already made, the Deputy Tahsildar concerned with Revenue Inspector and Village Administrative Officer seems to have conducted an inspection and sent a report to the 1st and 2nd respondents, based on which the petitioner wants his representation, dated 19.08.2021, to be considered in accordance with law, and a decision can be taken within the time frame that may be stipulated by this Court and in that case, the petitioner may be satisfied, the learned counsel contended.

4.On the other hand, Mr.D.Ghandiraj, the learned Government Advocate, appearing for the respondents would submit that, in order to regulate these kind of activities, seeking permission for excavation of earth from agricultural land for the purpose of levelling the land to make it fit as agricultural land, the Government issued a Government Order in G.O.(MS)No.213, Industries (Mines and Minerals-1) Department, dated 03.09.2021, where certain guidelines have been issued by the Government, based on which only these kind of applications would be considered and decided and if it is a fit case, permission can be granted for some limited period, otherwise, it would be rejected, he contended.

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



6.In view of the said stand taken by the respondents as submitted by the learned Government Advocate appearing for the respondents, since there has been a Government Order issued in this regard as referred to above, based on which and under any other law for the time being in force for regulate these kind of activities, the representation submitted by the petitioner, dated 19.08.2021 can be considered by the 1st and 2nd respondents within the time frame on merits and final orders can be passed thereon.

7.In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

"that there shall be a direction to the 1st and 2nd respondents to consider the representation of the petitioner, dated 19.08.2021 and pass orders thereon, on merits and in accordance with law, ofcourse, by taking into account of G.O.(MS)No.213 Industries (MMC. 1) Department, dated 03.09.2021, and if need arises, after giving opportunity of being heard by the petitioner, final orders shall be passed within a period of six weeks from the date of receipt of copy of this order and the same shall be communicated to the petitioner forthwith."

8.With these directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True 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

1. The District Collector,
Ramanathapuram District,
Ramanathapuram-623 707.



2. The Assistant Director of Geology & Mining,
Mines Department,
Collectorate Complex,
Ramanathapuram-623 503.
Ramanathapuram District.

3. The Thasildar,
Paramakudi Taluk,
Paramakudi-623 707.
Ramanthapuram District.

+1 CC to M/s.SPL.GP (SR-31198[F] dated 05/10/2021)

W.P. (MD) No.18027 of 2021
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MGJ(06.10.2021) 4P 5C