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W.P. No.7707 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7707 of 2021

and

WMP Nos.8252, 8253 of 2021 and 8539 of 2022

1. M.Senthilkumar

2. S. Geetha

...Petitioners

vs.

1. The Director of Land Reforms
Kuralagam, Chennai.

2. The District Collector,
Erode District.

3. The Deputy Director of Mines,
Office of District Collector,
Erode District.

4. The District Revenue Officer,
Erode District.

5. The Revenue Divisional Officer,
Gobichettipalayam.

6. The Special Officer,
The Tamilnadu Boomidhan Board,
Chennai – 600 005.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, direction in the nature of writ to call for the records in Na.Ka.No.362/Kanimam/2020, dated 26.02.2021 on the file of the 2nd respondent and quash the same and direct the 3rd respondent to issue Quarry Permit and Transit Pass for the petitioners' quarry and M-Sand Plant at S. No.476/1 & 474/2 in Kottupullampalayam Village, Gobichettipalayam Taluk, Erode District, in accordance with the Quarry Agreement dated 10.12.2018.

For petitioners : Mr.Nandhakumar
for Mr.Mukund
For respondents : Mr.B.Vijay
Addl. Govt. Pleader for R1, R4 and R5
Mr.E.Manoharan,
Spl. Govt. Pleader for R2 & R3

ORDER

This writ petition has been filed challenging the impugned order dated 26.02.2021 passed by the 2nd respondent and consequently direct the 3rd respondent to issue Quarry Permit and Transit Pass for the petitioners' quarry and M-Sand Plant at S. No.476/1 & 474/2 in Kottupullampalayam Village, Gobichettipalayam Taluk, Erode District, in accordance with the Quarry Agreement dated 10.12.2018.



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2. Heard Mr.Nandakumar, learned counsel for the petitioners and Mr.B.Vijay, learned Additional Government Pleader for the respondents 1, 4 and 5 and Mr.E.Manoharan, learned Special Government Pleader for the respondents 2 and 3.

3. The petitioner's application seeking for Quarry Permit and Transit Pass in respect of the aforementioned quarry for which he has entered into an agreement dated 10.12.2018 with the respondents has been rejected under the impugned order on the ground that only after verifying that the petitioners lands does not fall within Boomidhan lands, the Quarry Permit and Transit Pass can be issued. According to the petitioners, the Commissioner of Land Administration has not raised any dispute with regard to the classification of the lands belonging to the petitioners, for which quarry lease was granted. During the pendency of this writ petition, the 5th respondent has filed a report, dated 19.08.2021 which is placed on record by the learned Additional Government Pleader. A sketch has also been enclosed along with the report demarking the Boomidhan lands and the petitioners quarry site and stockyard. As seen from the sketch, the Boomidhan lands fall in Survey No.477/1B and



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474/2(Part), whereas the petitioners' quarry site is located at 476/1 and his stockyard is located at 474/1(part). The sketch attached to the report clearly discloses that the petitioners stockyard does not fall in the Boomidhan lands.

4. Since the quarry site as well as stock yard belonging to the petitioners does not fall within the Boomidhan lands, the contentions of the petitioners in this writ petition will have to be accepted by this Court. Only on mere suspicion, the 2nd respondent has passed the impugned order stating that the petitioners lands may fall in Boomidhan lands. Now, when there is clear evidence to show that the petitioners quarry site or stockyard does not fall within the Boomidhan lands, the impugned order rejecting the petitioners request for Quarry Permit and Transit Pass has to be necessarily quashed.

5. Accordingly, the impugned order dated 26.02.2021 passed by the second respondent is hereby quashed and the writ petition is allowed and a direction is issued to the 3rd respondent to issue Quarry Permit and Transit Pass for the petitioners' quarry and M-Sand Plant at S. No.476/1 & 474/2 in Kottupullampalayam Village, Gobichettipalayam Taluk, Erode District, in accordance with the Quarry Agreement dated 10.12.2018.



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6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.06.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To

1. The Director of Land Reforms
Kuralagam, Chennai.

2. The District Collector,
Erode District.

3. The Deputy Director of Mines,
Office of District Collector,
Erode District.

4. The District Revenue Officer,
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