



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33718 of 2018

and

W.M.P. No. 39130 of 2018

Arumugam K.,
S/o. Kannayiram

...Petitioner

Vs.

1. The District Collector,
Villupuram.

2. The Tahsildar,
Kandamangalam,
Villupuram Dt.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents from interfering with the quarried mineral located in Survey No.192 of Navammal Kaperi Village, Villupuram.

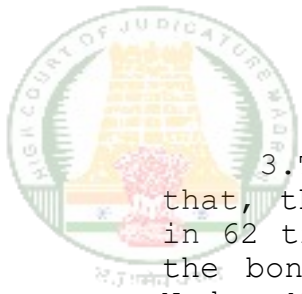
For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.Shahjahan,
Special Govt. Pleader

O R D E R

This Writ Petition has been filed seeking a direction directing respondents not to interfere with the quarried mineral kept in Survey No.192, of Navammal Kaperi Village, Villupuram.

2.The grievance of the petitioner is that, the 1st respondent District Collector has given a permission to the petitioner by an order dated 26.08.2017 for taking silt from Ural lake and also to remove the silt of 50 tractor loads for agricultural purpose. Pursuant to the order, the petitioner had quarried silt in the patta land and removed the sand kept there, at that time, the respondents, without any enquiry whatsoever, had seized minerals. In the said circumstances, the present Writ Petition has been filed.



3.The 1st respondent had filed a counter affidavit stating that, the petitioner was granted permission only to quarry silts in 62 tractor loads that too for the period of 20 days, only for the bonafide agricultural purpose under Rule 12(2)(d) of Tamil Nadu Mines and Minerals Concession Rules. However, the petitioner had quarried more than 624 cubic meters of land, which has been seized by the Tahsildar. Subsequently, the 1st respondent District Collector by its proceedings dated 11.10.2018 passed an order to sell the sand to the needy public.

4.Heard and considered rival submissions made by learned counsel appearing for petitioner and respondents and perused the records.

5.Considering the fact that, already the 1st respondent District Collector had passed an order permitting the 2nd respondent to sell the sand. Without challenging that order, the petitioner cannot maintain a Writ Petition with the present prayer. Hence, this Writ Petition is liable to be rejected. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to challenge the order passed by the 1st respondent District Collector, if he so advised. The petitioner is directed to submit representation to the authorities seeking to serve the copy of the order passed by the 1st respondent and on filing such representation, the 1st respondent is directed to furnish the copy of the order to the petitioner. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Villupuram.

2. The Tahsildar,
Kandamangalam,
Villupuram Dt.

+lcc to M/s.V.Raghavachari, Advocate, S.R.No.14037

+lcc to the Government Pleader, S.R.No.14120

W.P.No.33718 of 2018

PMK(CO)

RGA(08/04/2022)