



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.8001 of 2022

S.B.Prabakar

... Petitioner

vs.

- 1.The Chairman,
State Environmental Assault Commission,
3rd Floor, Banagal Maaligai, Saidapet,
Chennai - 600 015.
- 2.The District Collector,
Ramanathapuram District, Ramanathapuram.
- 3.The Assistant Director of Geology and Mining,
Mines Department, Collectorate Complex,
Ramanathapuram District, Ramanathapuram.
- 4.The Tahsildar, Paramakudi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to grant license in favour of the petitioner for taking out the Savudu soil available when leveling the upland lands comprised in Survey No.45/4 to an extent of 0.39.5 Hectares situated at ThenPudhuvakudi Village, Paramakudi Taluk, Ramanathapuram District to the petitioner on the basis of the petitioner's representation dated 01.04.2022 within a time frame stipulated by this Court.

For Petitioner :Mr.P.Krishnasamy
For Respondents :Mr.P.Thilak Kumar
Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to grant license in favour of the petitioner for taking out the Savudu soil available when leveling the upland lands comprised in Survey No.45/4 to an extent of 0.39.5 Hectares situated at Thenpudhuvakudi Village, Paramakudi Taluk, Ramanathapuram District based on the petitioner's representation dated 01.04.2022 within a time frame stipulated by this Court.

2.The petitioner seeks permission of the authorities for removal of savudu soil in his property. According to him, while leveling the lands, savudu soil is available and therefore, it has



to be removed. He has given a representation on 01.04.2022 for the said purpose with the respondents. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.P.Krishnasamy, learned Counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice on behalf of the respondents.

4.The learned Government Pleader, on instructions, would submit that there is a prohibition for removing savudu soil in respect of 13 districts in the State. He would further submit that the respondents are willing to consider the petitioner's representation on merits and in accordance with law.

5.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

6.For the foregoing reasons, this Court directs the first and second respondents to consider the petitioner's representation, dated 01.04.2022 seeking to grant licence for the petitioner for removing the savudu soil from his land comprised in Survey No.45/4 to an extent of 0.39.5 Hectares situated at Thenpudhuvakudi Village, Paramakudi Taluk, Ramanathapuram District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of six months from the date of receipt of a copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Chairman,
State Environmental Assault Commission,
3rd Floor, Banagal Maaligai, Saidapet,
Chennai - 600 015.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Collector,
Ramanathapuram District, Ramanathapuram.

3.The Assistant Director of Geology and Mining,
Mines Department, Collectorate Complex,
Ramanathapuram District, Ramanathapuram.

4.The Tahsildar, Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL.GP. (SR-21210[F] dated 26/04/2022)

Order made in
W.P.(MD)No.8001 of 2022
25.04.2022

NSN(CO)
GC(05.05.2022) 3P 6C