



W.P.(MD)No.21600 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.21600 of 2022

K.Ramesh Kumar

.. Petitioner

Versus

1.The District Collector,
Theni District.

2.The Assistant Director,
Mines and Mineral,
Theni District.

3.The Sub-Collector/Revenue Divisional Officer,
Collector Office,
Theni District.

4.The Tahsildar,
Taluk Office,
Theni District.

5.The Block Development Officer,
Theni Panchayat Union Office,
Theni District.

6.Selvam, S/o.Vasu Thevar

7.Selvarani @ Selvi, W/o.Selvam

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to take



W.P.(MD)No.21600 of 2022

action against the respondents 6 and 7 and close the deep opening of the earth caused by them and give adequate compensation on the basis of the representation given by the petitioner, dated 22.08.2022.

For Petitioner : Mr.G.Thiruvartselvan
For Respondents 1 to 4 : Mr.A.Kannan
Additional Government Pleader
For 5th Respondent : Mr.B.Saravanan
Additional Government Pleader
For Respondents 6 and 7: Mr.A.Mithunchakravarthi

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to take action against the respondents 6 and 7 and close the deep opening of the earth caused by them and give adequate compensation, on the basis of the representation given by him, dated 22.08.2022.

2. According to the learned counsel for the petitioner, the respondents 6 and 7, who are the road contractors, obtained permission to lay a Village Road under DRDA Scheme passing through the petitioner's land. Without the permission of the petitioner, they dug the said land, by using vehicles and theft the soil in his land. Hence, the petitioner lodged a complaint before the Veerapandi Police Station. Subsequently, on 24.03.2022 and 25.03.2022, he submitted a representation before the respondents 4 and 3 respectively, in this



W.P.(MD)No.21600 of 2022

regard. Further, he has also sent a representation on 16.08.2022, to the second respondent and thereafter, on 22.08.2022, he sent a representation to the respondents 1 to 5 herein. Since the same have not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition.

3. The learned Additional Government Pleaders appearing for the respondents 1 to 5 submit that appropriate action would be taken against the persons, who have clandestinely dug the petitioner's land to an extent of 750 sq.ft. and 6 feet depth and removed the soil from the said land.

4. Considering the aforesaid submission made by the learned Additional Government Pleaders, this Court directs the respondents 1 to 5 to take appropriate action against the persons concerned, if they have entered into the property of the petitioner and removed the soil from the said land under the guise of laying a road under DRDA Scheme illegally. After enquiry, if the authorities find it to be true, the respondents 6 and 7 have to pay appropriate compensation to the petitioner.

5. This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
smn2

24.11.2022



W.P.(MD)No.21600 of 2022

To

- 1.The District Collector,
Theni District.
- 2.The Assistant Director,
Mines and Mineral,
Theni District.
- 3.The Sub-Collector/Revenue Divisional Officer,
Collector Office,
Theni District.
- 4.The Tahsildar,
Taluk Office,
Theni District.
- 5.The Block Development Officer,
Theni Panchayat Union Office,
Theni District.



WEB COPY



W.P.(MD)No.21600 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.21600 of 2022

24.11.2022