



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.20088 of 2021

and

W.M.P.[MD]No.6947 of 2022

P.Ashok Kumar

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Tahsildar,
Palani Taluk,
Dindigul District.

4.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to stop the illegal soil theft at Survey No.308/1, 4 situated at Periyammappatti Village, Palani Taluk, Dindigul based on the petitioner's representation dated 18.10.2021.

For Petitioner

: Mr.A.Vadivel

For Respondents

: Mr.Veera Kathiravan

Additional Advocate General

Assisted by Mr.P.Thilak Kumar

Government Pleader

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

Alleging that there is illegal mining of soil in Survey No.308/1 and 308/4 in Periyammappatti Village, Palani Taluk, Dindigul District, for the purpose of usage in bricklins, this Public Interest Litigation has been filed for a direction to the authorities to stop the said illegal mining.



2.Today, Ms.P.Mariyammal, Assistant Geologist, Geology and Mining Department, Dindigul, is present. The District Collector, Dindigul District, has filed an action taken report [undated] but Mr.Veera Kathiravan, learned Additional Advocate General stated that it was signed by the District Collector yesterday [07.06.2022] and is filed today [08.06.2022], wherein he has stated as follows:

"3) It is submitted that as per the directions of the High Hon'ble Madurai Bench of Madras High Court direction, the Revenue Divisional Officer Palani has been requested to cause a joint inspection particularly in SF.Nos.308/2 & 308/4 of Periammapatti Village, Palani Taluk and also to furnish a report to proceed further to levy penalty on the offenders as per Rule 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959 so as to incorporate the action taken by the respondents 1 to 3 in the Counter Affidavit to be filed before the High Court in the file of W.P.(MD) No.20088 of 2021.

4) It is submitted that the SF.Nos.308/1 & 308/4 of Periammapatti Village, Palani Taluk was jointly inspected by the Assistant Geologist (Mines), Tahsildar Palani, Zonal Deputy Tahsildar Palani, Firka Surveyor, Periammapatti, Firka Revenue Inspector Periammapatti and Village Administrative Officer Periammapatti Village on 03.12.2021 and a report was submitted. In the report it was submitted that the total extent of SF.No.308/1 of Periammapatti Village is 26.51.0 hecets, SF.No.308/4 - extent 3.35.0 hecets which are classified as Government Poramboke - Surplus lands as per Periammapatti Village Accounts. At the time of inspection the Team noticed that there are 4 pits in SF.No.308/1 and the measurements and total quantity quarried and transported without valid lease are worked out as detailed below :-

Sl.No.	Pits	Length (M)	Width (M)	Depth (M)	Total quantity in Cum
1.	Pit-1	41	32	0.5	656
2.	Pit-2	30	15	0.5	225
3.	Pit-3	20	13	0.5	130
4.	Pit-4	10	11	0.5	55
Total					1066 Cum (or) 178 Lorry Load



From the above, the total quantity of Earth quarried and transported from SF.No.308/1 is estimated as 1066 Cum/178 Lorry Load (6 cum / Lorry Load). At the time of inspection it was noticed by the Team that there is no pit in SF.No.308/4. It is further reported by the Team that since the land in SF.No.308/1 and 308/4 of Periammapatti Village, Palani Taluk are surplus Government Poromboke land, it is being encroached by the Local Public and is being cultivated by them. Out of 26.51.0 hectares it was found that the soil was quarried and transported without valid lease only from an extent of 2.38.25 hectares. Being so, it was suggested by the Team that the Tahsildar Palani, who is the immediate Local Revenue Authority, may be requested to conduct a detailed enquiry regarding the persons who have encroached the surplus land and involved in unauthorised quarrying and transportation of soil without valid lease and may be reported the same to the Revenue Divisional Officer Palani to levy penalty under 36A of Tamil Nadu Minor Mineral Concession Rules, 1959 after affording an opportunity of personal hearing. The joint inspection Team has further suggested that the Tahsildar Palani may also be requested to identify the surplus lands available not only in Periammapatti Village but also in the adjacent Villages and to keep vigil on the unauthorised quarrying and transportation of Earth and to give suitable instructions to the Subordinate Revenue Officials to take all effective steps to curtail unauthorised quarrying and transportation of Earth from the surplus lands in Periammapatti.

5) It is submitted that, the Chairman of Taluk Level Task Force Committee / the Tahsildar, Palani has constituted a committee vide proceedings No.51/2022/A7, dated 03.05.2022 comprising officials of Village Administrative Officers, Revenue Inspectors, Deputy Tahsildars and Sub Inspector of Police to conduct surprise raids and joint inspections in order to curtail illegal transportation and quarrying and to take stringent action against the offenders.

6) It is further submitted that the Revenue Divisional Officer, Palani vide letter Rc.No.3589/2020/C1, dated 01.06.2022 has stated that, the Taluk Level Task Force Committee has conducted surprise raids and a Tipper Lorry bearing registration No.TN 41 AE 0433 was seized at Periammapatti Village, Odaikadu for transporting Gravel and FIR was filed in Crime No.81/2022 u/s 379 IPC and another Tipper Lorry



bearing Registration No.TN 38 CF 3204 was seized at Periammapatti Village Karikaranpathur for transporting gravel and FIR was filed in 187/2022 u/s 379 IPC.

7) It is humbly submitted that the Revenue Divisional Officer, Palani had further listed out the details of land where the illegal quarrying was carried out as mentioned below,

Sl. No.	SF.No.	Classification	Hects.	Land of Assignee
1.	434/84	Punjai	0.93.0	Kulanthaivel, S/o. Marikudumban
2.	323/15	Punjai	0.86.0	Raja, S/o. Chinnamanaicker
3.	280/10A2	Punjai	0.20.0	Thannasimuthu, (Raju, S/o. Karuppa Kudumban)
4.	434/50	Punjai	1.07.0	Palanisamy, S/o.Kumarasamy Gounder
5.	434/54	Punjai	0.59.0	Palaniammal, W/o.Subbaiah Gounder
6.	346/1B88	Nanjai	0.48.50	Rakkammal, W/o.Mayilsamy
7.	364/1B87	Nanjai	0.60.50	Murugan, S/o.Raman

and finally the Revenue Divisional Officer, Palani has proposed to conduct the enquiry for the assignees listed in the above table as per the Tamil Nadu Land Reforms Act, 1961, Tamil Nadu Land Reforms (Disposal of surplus land) Rules, 1965. Also notice for enquiry on 15.06.2022 has been sent to 27 Brick Chamber owners of Periammapatti, R.Vadipatti, Kavalapatti, A.Kalayamputhur, Balasamuthiram and Pudhachu Villages.

8) It is further submitted that as per G.O.(Ms) No.135, Industries (MMA.1) Department, dated 13.11.2009, for effective monitoring at root level / curtailing of illicit quarrying / mining / transportation of minerals and to minimize loss of revenue to the State exchequer District Level Task Force Committee has been reconstituted. The committee is meeting every month and is reviewing on the details of vehicles seized, action on illegal quarrying and on the works of taluk level task force committee."



3. Reading of the above shows that the District Administration has initiated action in this regard and are taking effective steps to ensure that there is no further illegal mining of soil. We are satisfied with the steps that are being taken by the District Administration in this regard. However, we direct the revenue authorities and police authorities to maintain vigil and ensure that such illegal mining is stopped and those responsible for it are brought to book. We place on record our appreciation to the petitioner for exposing the issue and also the District Administration for their effective steps and for the District Administration in fairly admitting that there has been theft and for taking effective steps to put an end to it.

4. With the above observation, this Writ Petition is closed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)

MR

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
Palani, Dindigul District.
3. The Tahsildar,
Palani Taluk,
Dindigul District.
4. The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

+1 CC to M/s.A.VADIVEL, Advocate (SR-24975[F] dated 10/06/2022)

+1 CC to M/s.SPL.GP (SR-25183[F] dated 10/06/2022)

ORDER MADE IN

W.P.[MD]No.20088 of 2021

08.06.2022

NSN (CO)

GC (23.06.2022) 5P 7C

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