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W.A.No.1244 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.No.1244 of 2018

and

C.M.P.Nos.10233 of 2018 & 15132 of 2021

B.M.Purnachandran

.. Appellant

Vs.

- 1.The District Collector,
Tiruvallur District,
Thiruvallur.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Tiruvallur.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Tiruvallur.
- 4.The Tahsildar,
Office of the Tahsildar,
Poonamallee.
- 5.The Village Administrative Officer,
Melmanampedu Village,
Vellaveddu Post,
Tiruvallur District.
- 6.S.Thangaraj,



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President, Melmanampedu Village,
Poonamallee Taluk,
Thiruvallur District.

7.M/s.Bharani Brick Industries,
Represented by its Partner,
Baskar, Melmanampedu Village,
Poonamallee Taluk,
Thiruvallur District.

.. Respondents

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent, against the order dated 11.11.2010 made in W.P.No.641 of 2008 passed by this Court.

For Appellant : Mr.S.Senthil Nathan

For RR 1 to 5 : Mr.P.Gurunathan
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by V.M.VELUMANI,J.)

The present Writ Appeal is filed challenging the order of this Court dated 11.11.2010 made in W.P.No.641 of 2008, which was filed for issuance of Writ of Mandamus, directing the respondents 1 to 5 to perform their duty in preventing illegal quarrying of sand, clay, savudu from the Government land bearing Survey No.275/1, 280, 281, 282, 283, 226, 291/1, 285, 286, 292 and 293 of Mothirambedu Village and Melmenambedu Village of Poonamallee Taluk, Tiruvallur District and direct the respondent Nos.1 to 5 to take appropriate action against the



respondents 6 and 7 and restore the lands in the aforesaid survey numbers in their original position.

2.The said W.P.No.641 of 2008 was dismissed by this Court by the order dated 11.11.2010, on the ground that very same relief was sought for by one M/s.Krishnaveni Education and Charitable Trust, Rep. by its Authorised Manager, J.Vinoth Kumar, F-Block, No.218, Anna Nagar East, Chennai – 600 102, petitioner in W.P.No.1564 of 2008 in Public Interest Litigation. The First Bench of this Court, by the order dated 06.03.2008, dismissed the W.P.No.1564 of 2008 based on the Advocate Commissioner's report that no quarrying activities are being carried out in the said survey numbers.

3.The learned counsel appearing for the appellant submitted that the learned Judge failed to take into consideration that survey numbers and extent are different from the present survey numbers. The Advocate Commissioner has not inspected all the survey numbers. He has inspected only four survey numbers, viz., Survey Nos.293, 292, 285 and 286 and filed report and prayed for allowing this Writ Appeal.

4.Mr.P.Gurunathan, learned counsel appearing for the respondents



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1 to 5 produced a letter dated 29.01.2023, addressed to the Additional Government Pleader by the Tahsildar, Poonamallee and submitted that the Tahsildar, Poonamallee inspected the properties in Survey Nos.226, 231, 293, 280, 281, 282, 283, 285, 286, 292 and 275/1 and found that no quarrying activities are carried on in the said properties and prayed for dismissal of the Writ Appeal.

5.Heard the learned counsel appearing for the appellant as well as the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the entire materials on record.

6.From the letter addressed to the Additional Government Pleader by the Tahsildar, Poonamallee, it is seen that the Tahsildar, Poonamallee has inspected the properties in Survey Nos.226, 231, 293, 280, 281, 282, 283, 285, 286, 292 and 275/1, except Survey No.291/1. In view of the same, the Tahsildar, Poonamallee is directed to inspect the land in Survey No.291/1 after issuing notice to the petitioner and respondents 6 & 7 and if any illegal quarrying is being carried on by the respondents 6 & 7, take appropriate action as per law.



7. With the above directions, the Writ Appeal is disposed of.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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(V.M.V., J) (V.L.N., J)
14.03.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The District Revenue Officer,
Office of the District Revenue Office,
Tiruvallur.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Tiruvallur.
4. The Tahsildar,
Office of the Tahsildar,
Poonamallee.
5. The Village Administrative Officer,
Melmanampedu Village,
Vellaveddu Post, Tiruvallur District.

V.M.VELUMANI, J.
and

V.LAKSHMINARAYANAN, J.



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6.S.Thangaraj,
President, Melmanampedu Village,
Poonamallee Taluk,
Thiruvallur District.

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