



W.P.No.15656 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.15656 of 2023

and

W.M.P.Nos.15149 & 16012 of 2023

E.Dhandapani

... Petitioner

Vs.

- 1.The District Collector,
Ranipet,
Ranipet District.
- 2.The Assistant Director (Mines),
Ranipet,
Ranipet District.
- 3.The Revenue Divisional Officer,
Arakkonam,
Ranipet District.
- 4.The Tahsildar,
Arakkonam Taluk,
Ranipet District.
- 5.M/s.RPP-Dhanya (JV),
Rep. by its Authorised Person,
M.Balamurugan,
S/o.Muthusamy,



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Having registered office,
No.454, Rangupathynaiken Palayam,
Railway Colony (Post),
Poondurai Road, Erode District – 638 002. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 4 from permitting the illegal mining of sand and soil in Itchiputhur big tank located in S.F.No.626, Itchiputhur Village, Arakkonam Taluk, Ranipet District of the fifth respondent.

For Petitioner : Mr.S.Vijayakumar
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R4]
Ms.Dakshayani Reddy
Senior Counsel [R5]
for M/s.K.Muthu Ganesa Pandian

ORDER

The Writ Petition has been filed for a Writ of Mandamus, to forbear the respondents 1 to 4 from permitting the illegal mining of sand and soil in Itchiputhur big tank located in S.F.No.626, Itchiputhur Village, Arakkonam Taluk, Ranipet District of the fifth respondent.



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2. The case of the petitioner is that, he is a resident of Itchiputhur Village and the entire village is depending on the Itchiputhur big tank for the purpose of agriculture. While so, the first respondent by proceedings dated 23.06.2022 granted permission to take soil for upgrading Kancheepuram to Arakkonam Tiruttani Road in favour of the fifth respondent for a period of 90 days only. The said permit granted by the first respondent already got expired. Even after the expiry of permit, the fifth respondent is continuously taking soil from the said tank. Though the general public including the petitioner made various representations before the authorities praying not to permit mining inside the said tank, however, the authorities have not taken any action and till date, the soil and sand are continuously taken by the fifth respondent. Hence, the petitioner has filed the above writ petition before this Court.

3. Heard the learned counsel appearing on either side and perused the materials on record.

4. Though very many grounds have been raised by the learned counsel for the petitioner, at the time of arguments, when this Court,



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expressed its opinion that the permission granted in favour of the fifth respondent was subsequently revised by the first respondent vide proceedings in Na.Ka.No.42/2022 (Mines) dated 28.04.2023 granting 180 days to take soil, after receipt of no objection from the villagers and President of the said village Panchayat. Therefore, without challenging the said proceedings, filing the present writ petition seeking to forbear the respondents 1 to 4 from permitting the illegal mining of sand and soil in Itchiputhur big tank by the fifth respondent, is not sustainable. Hence, the learned counsel appearing for the petitioner restricted his prayer and sought permission of this Court to grant liberty to the petitioner to challenge the proceedings dated 28.04.2023 passed by the first respondent in favour of the fifth respondent.

5. In view of the limited request sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to workout the remedy in the manner known to law.



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6. Accordingly, the Writ Petition stands dismissed with liberty. The interim order granted by this Court in W.M.P.No.15149 of 2023 in W.P.No.15656 of 2023 vide order dated 18.05.2023 stands vacated, hence, the said miscellaneous petition is dismissed. In view of the dismissal of the above said miscellaneous petition, no further order is required to be passed in W.M.P.No.16012 of 2023 in W.P.No.15656 of 2023, accordingly, the same is closed. There shall be no order as to costs.

12.06.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

- 1.The District Collector,
Ranipet,
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- 2.The Assistant Director (Mines),
Ranipet,
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- 3.The Revenue Divisional Officer,
Arakkonam,
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sp

4.The Tahsildar,
Arakkonam Taluk,
Ranipet District.

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