



W.P.(MD).No.12591 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **26.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.12591 of 2022

Valai Muthusamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyapatti Taluk,
Kariyapatti,
Virudhunagar District.

3.The Assistant Director of Mines,
Geology and Mines Department,
Virudhunagar,
Virudhunagar District.

4.Rajendran

...Respondents

*(*R4 is impleaded vide order dated 29.07.2022 in W.M.P(MD).No.9926 of 2022 in W.P(MD).No.12591 of 2022*)*



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to grant permission for removal of clay sand from the petitioner property comprised in S.No.5/2, Keelpudupatti Village, Kariyapatti Taluk, Virudhunagar District, based on the proposal submitted by the second respondent made in Na.Ka.No.A1/2124/2022 dated 30.05.2022.

For Petitioner : Mr.R.Murali

For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 to R3
Mr.P.M.Vishnuvarthanan for R4

ORDER

This Writ Petition has been filed seeking Mandamus to the third respondent to grant permission for removal of clay sand from the petitioner's property comprised in S.No.5/2, situated at Keelpudupatti Village, Kariyapatti Taluk, Virudhunagar District, based on the proposal submitted by the second respondent in Na.Ka.No.A1/2124/2022, dated 30.05.2022.



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2. The learned counsel appearing for the petitioner submits that the petitioner has approached the second respondent, namely, the Tahsildar, Kariyapatti Taluk, Kariyapatti, Virudhunagar District, by way of a petition, dated 20.05.2022 to remove the extra clay sand from his patta land in S.No.5/2, situated at Keelpudupatti Village, Kariyapatti Taluk, Virudhunagar District and the second respondent has recommended the same to the third respondent, vide proceedings, dated 30.05.2022. However, the third respondent has not passed any order on the request of the petitioner to remove the clay sand from his land. He further submits that the second respondent has permitted the petitioner to take soil from his patta land on 06.04.2022.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 seeks time to file counter.

4. It appears that the second respondent, namely, the Tahsildar, Kariyapatti Taluk, Kariyapatti, Virudhunagar District, has granted permission to the petitioner to take clay sand from his land in S.No.5/2, situated at Keelpudupatti Village, Kariyapatti Taluk, Virudhunagar



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District. However, the second respondent is very much aware that the Deputy Director of Geology and Mining is the Competent Authority to grant such permission, and the second respondent is not having any authority. Therefore, the Deputy Director of Geology and Mining, Virudhunagar District, is directed to ascertain as to the nature of soil which is available in S.No.5/2, Keelpudupatti Village, Kariyapatti Taluk, Virudhunagar District, and file a report before the first respondent, namely, the District Collector, Virudhunagar District. On submission of the said report, the first respondent is directed to conduct enquiry and take appropriate action as stated by this Court in the order passed in W.P(MD).No.8619 of 2022 on 26.09.2023.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Index: Yes/No
Internet: Yes/No
ssb

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B.PUGALENDHI, J.

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