



WP(MD)No.16128 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16128 of 2019

and

WMP(MD)No.12821 of 2019

Chandra

... Petitioner

v.

- 1.The District Collector,
O/o.District Collector,
Madurai District.
- 2.The Tahsildar,
O/o.the Tahsildar,
Madurai North Taluk,
Madurai District.
- 3.The Superintending Engineer,
O/o.the Superintending Engineer,
Public Works Department / Water Resource Organization,
Water Resource Organization,
Vaigai Basin Circle,
Madurai.



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4.The Assistant Executive Engineer,
O/o.the Assistant Executive Engineer,
Public Works Department / Water Resource Organization,
Irrigation Division – I,
Periyar Vaigai Basin Circle – I,
Madurai – 2.

5.The Village Administrative Officer,
O/o.the Village Administrative Officer,
Pothumbu Village,
Madurai District.

6.Jeyaram

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 2 to 4 to give permission to the petitioner to take Alluvial soil from the Pothumbu East and West Tanks which is situated at Pothumbu Village, Madurai North Taluk, Madurai District, by considering the petitioner's representation dated 09.07.2019.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader
for R.1 to R.5

No appearance for R.6



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ORDER

The petitioner, claiming to be an Agriculturist, has approached the authorities for permitting him to take Alluvial soil from Pothumbu East and West tanks and also submitted a representation dated 09.07.2019. Alleging that the said representation has not been considered, he has filed this writ petition.

2.Learned Counsel appearing for the petitioner submitted that at the instance of the then MLA of Sholavanthan Constituency, the petitioner's representation has not been considered. According to the petitioner, permits were issued in the names of dead persons for taking Alluvial soil from Pothumbu East and West tanks, at the instance of the then MLA and in this regard, the petitioner has made certain complaints. He has also pointed out that one Kathaleeswaran died on 01.07.2010, however, permit has been issued in his name and soil has been taken from the tank.

3.The fourth respondent has filed a counter affidavit that Alluvial soil



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was permitted to be taken from the Pothumbu East and West tank based on G.O.Ms.No.50, Industries (MMC1) Department, dated 27.04.2017 and the proceedings of the District Collector, Madurai, in Na.Ka.No. 1400/2016/Mines dated 24.05.2017. The counter affidavit further reads that as of now, nobody is allowed to take Alluvial soil from the Pothumbu East tank and that the petitioner shall take Alluvial soil only in the area demarcated by the Public Works Department as per G.O.Ms.No.50, Industries (MMC1) Department, dated 27.04.2017.

4.Considering the rival submissions made, this writ petition is disposed of, with liberty to the petitioner to submit a fresh representation to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. The respondents 3 & 4 shall verify as to whether the petitioner is a genuine Agriculturist and he is in need of soil for the purpose of agricultural activities and if any Government Order permits for taking Alluvial soil, the respondents shall consider the petitioner's representation, in accordance with law, within a period of twelve weeks from the date of receipt of the representation.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

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5.The Village Administrative Officer,
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