



W.P.(MD).No.19859 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.19859 of 2023
and
W.M.P.(MD).No.16395 of 2023

1.K.Pandi

2.K.Chinnapandi

3.L.Murugan

4.K.Karuppasamy

.. Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Assistant Director,
O/o.the Assistant Director,
Mines and Mineral,
Dindigul District,
Dindigul.

3.The Tahsildar,
O/o. the Tahsildar,
Nilakottai, Dindigul District.



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4.G.Ravikumar

.. Respondents

(R-4 is impleaded vide Court order dated 11.10.2023 passed in W.M.P. (MD).No.17015 of 2023 in W.P.(MD).No.19859 of 2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from evicting the petitioners and their family members from their land in Survey Nos.79 and 80 situated at Kunnoothupatti Village, Nilakottai Taluk, Dindigul District and consequently direct the Respondent No.1 to grant patta to them in that land by considering the petitioners' representation dated 21.07.2023 within the time stipulated by this Court.

For Petitioners : Mr.T.Thirumurugan
For R-1 to R-3 : Mr.S.Shanmugavel
Additional Government Pleader
For R-4 : Mr.R.Santhanam

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Writ Petition on hand has been instituted to forbear the respondents from evicting the petitioners and their family members in Survey Nos.79 and 80 situated at Kunnoothupatti Village, Nilakottai Taluk, Dindigul District and consequently direct the first respondent to grant patta



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to them in that land by considering the petitioners' representation dated 21.07.2023.

2. Pursuant to the interim direction issued by this Court, the Assistant Director of Geology and Mining, Dindigul District has filed a report before this Court today. The said report reveals that based on the report of the Tahsildar, Nilakottai in Rc.No.2913/20/B3 dated 12.10.2020, S.F.No.79(Part 1) over an extent of 1.00.0 hectares at Rengappanaickenpatti Village, Nilakottai Taluk, the Government poromboke land classified as “Kallanguthu”, was notified in Dindigul Extraordinary Gazette No.4 dated 09.02.2021 for taking up the above said area for tender cum action for quarrying rough stones. The last date for submitting the application for tender was fixed as 24.02.2021 and the date of opening tender applications and auctioning was fixed as 25.02.2021. One Mr.Ravikumar/the fourth respondent herein was the successful bidder and he paid the entire amount on 09.03.2021. The District Collector vide letter dated 06.05.2021, directed Mr.Ravikumar to submit the mining plan for approval and thereafter to obtain environment clearance and submit the same to proceed further. Accordingly, he had submitted the mining plan for approval and the same



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was approved by the Assistant Director of Geology and Mining vide letter in Rc.No.116/Mines/2021 dated 07.10.2021. Mr.Ravikumar has obtained environment clearance vide letter dated 01.09.2023 and obtained consent from Tamil Nadu Pollution Control Board vide Consent Proceedings No.2376DGL/RS/DEE/TNPCB/DGL/A/2023 dated 29.05.2023. On receipt of the environment clearance and consent from the Tamil Nadu Pollution Control Board, Mr.Ravikumar was granted quarry lease for quarrying 93100 cu.m. of rough stones in S.F.No.79(P) over an extent of 1.00.0 hectares at Rengappanaickenpatti Village, Nilakottai Taluk for a period of five years from 08.06.2023 to 07.06.2028 vide proceedings No.116/Mines/2021 dated 08.06.2023.

3. The writ petitioners are encroachers in the Government land, which is classified as “Kallanguthu poromboke”. Therefore, they have no right to claim possession. If at all the petitioners are landless poor people, they are at liberty to submit an application before the competent authority for the purpose of availing the Government welfare schemes. Contrarily, the Court cannot encourage the encroachers of Government lands. Encroachments are to be removed and the Government lands are to be utilised for public



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purpose. The Government also issued directions to protect the Government lands by appointing committees.

4. That apart, Mr.Ravikumar filed a Writ Petition in W.P.(MD). No.18131 of 2023 and the said Writ Petition was disposed of by this Court extending protection to carry on quarrying operations as per the approval granted by the competent authority. Thus, the petitioners have not established even a semblance of legal right for the purpose of considering the relief as such sought for in the present Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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