



W.P(MD)No.20824 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20824 of 2015

and

M.P.(MD)No.2 of 2015

and

W.M.P.(MD)No.1202 of 2016

Johara Banu

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanthapuram.
- 2.The Assistant Director (Mines),
Ramanathapuram District,
Ramanathapuram.
- 3.The Assistant Director Panchayat,
Ramanathapuram District,
Ramanathapuram.
- 4.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.
- 5.The Block Development Officer,
Mandapam Panchayat Union,



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Uchupuli,
Ramanathapuram District.

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6.The President,
Pudhuvalasi Panchayat,
Ramanathapuram District.

7.J.Jafarullakhan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent pertaining to its order bearing NO.Na.Ka.No.OO.Ni.3/937/2015, dated 18.11.2015 and to quash the same as illegal.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mrs.K.Christy Theboral,
Addl. Government Pleader for R1 to R5.
Mr.M.Rajarajan for R6.

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader for the official respondents and the learned counsel for the sixth respondent. None appears for the seventh respondent.



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2.The petitioner is owning lands adjacent to the petition mentioned survey No.95, Pudhuvalasai. The District Collector vide proceedings dated 18.11.2015 had granted permission to the local body to deepen the petition mentioned water body subject to certain terms and conditions. The learned counsel for the petitioner contends that there is no water body on ground and that it is a flat land and the impugned proceedings have been issued to benefit private interests. He also would add that substantial quantity of sand was excavated and unlawfully removed.

3.The official respondents deny the allegations made by the writ petitioner. Shri.Muralidharan, Block Development Officer, Mandapam is present in person to assist the Court. He submitted that under the State Government scheme for the year 2019 – 2020, the water body was deepened at a cost of Rs.5.91 Lakhs and that the matter has become infructuous.

4.I carefully considered the rival contentions and went through materials on record. In view of the implementation of 2019 – 2020 bond deepening scheme in respect of S.No.95, the matter has become



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infructuous. It is seen from 'A' register extract that S.No.95 had been classified as water body. Hence, the official respondents are directed to maintain it as such.

5.It is not in dispute that after the impugned order was passed some works were undertaken. The petitioner had enclosed photographs indicating excavation of sand. The petitioner is permitted to lodge a complaint before the first respondent as regards the unlawful transportation of minerals. If any such complaint is made by the petitioner, the first respondent shall cause enquiry into the same. The petitioner's complaint will be given formal disposal as per law and the petitioner will also be informed about the outcome.

6.With this liberty to the petitioner and direction to the first respondent, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN, J.

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