



W.P.(MD) No.21372 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.21372 of 2023

and

W.M.P.(MD) Nos.17781 & 17782 of 2023

M.Ramachandran

... Petitioner

-VS-

- 1.The District Collector
Virudhunagar District
- 2.The Revenue Divisional Officer
Aruppukkottai
Virudhunagar District
- 3.The Tahsildar
Aruppukkottai Post and Taluk
Virudhunagar District
- 4.The Block Development Officer
Aruppukkottai Taluk
Virudhunagar District
- 5.The Superintendent of Police
Virudhunagar
Virudhunagar District
- 6.The Deputy Superintendent of Police
Tiruchuli Circle, Tiruchuli
Virudhunagar District



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7.The Inspector of Police
Tiruchuli Police Station
Aruppukkottai Taluk
Virudhunagar District

8.B.Murugan
B.M.S. Blue Metals
Puliyuran Village and Post
Aruppukkottai Taluk
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pursuant to the impugned letter dated 15.08.2023 in Na.Ka.Aa2/222/2023 of the third respondent and quash the same and consequently forbearing the eighth respondent from plying the lorries for his quarry operations in the cart track lies in S.Nos.158/1, 159/5, 278/2 and 279/1, situated in Puliyuran Village, Aruppukkottai Taluk, Virudhunagar District.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R5
Mr.Veerenthiran
Government Advocate (CrI. Side) for R6 & R7
Mr.B.Saravanan, Senior Counsel
assisted by Mr.C.Jegannathan for R8



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ORDER

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[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.I.Suthakaran, learned counsel appearing for the petitioner and Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1 to 5, Mr.Veerenthiran, learned Government Advocate (Criminal Side) appearing for the respondents 6 and 7 and Mr.B.Saravanan, learned Senior Counsel appearing for the eighth respondent.

2. The petitioner is challenging the order, dated 15.08.2023, passed by the Tahsildar allowing the eighth respondent to use the cart track going through the land bearing Survey Nos.158/1, 159/5, 278/2 and 279/1 of Puliyuran Village, Aruppukottai Taluk, Virudhunagar District.

3. Learned counsel for the petitioner submits that the said cart track is used by the petitioner and other villagers for transportation of their agricultural products and agricultural equipments. No permission could have been granted to the eighth respondent to use the said cart track and the heavy vehicles for carrying rough stones.

4. According to the learned counsel for the petitioner, if heavy vehicles are permitted for transportation of rough stones through the said cart



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track, then the cart track would be damaged and the petitioner and other villagers will be deprived of using the said cart track. In fact, no licence could have been granted for quarrying in a water body. The said licence is subject matter of consideration by this Court in separate writ petitions.

5. Learned counsel for the petitioner further submits that in common parlance, the eighth respondent is not entitled to use the cart track.

6. Learned Government Pleader submits that by the permission granted to the eighth respondent to use the cart track for transportation of quarrying materials, the petitioner's land is not affected. Further, the eighth respondent is permitted to use the cart track on temporary basis and the same is not a permanent feature.

7. Learned Government Pleader further submits that the eighth respondent would purchase land for transportation of quarrying materials, till then he would use the cart track temporarily.

8. We asked the learned counsel for the petitioner about any rule, regulation or executive instructions, whereby the person transporting quarrying materials is not permitted to use the cart track. Learned counsel



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for the petitioner submits that no such rule, regulation or executive instructions can be pointed out.

9. In the absence of any prohibition, it will not be appropriate to pass further orders in the writ petition. The licence issued to the eighth respondent is not a subject matter of challenge in the present writ petition.

10. Of course, it will be the responsibility of the authorities to oversee that the cart track is not damaged and is in a condition that it would be beneficially used by the villagers and that there would be no hindrance for the villagers to use the cart track.

11. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., .C.J.]

[C.K., J.]

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

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