



W.P.(MD) No.17645 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.17645 of 2017

and

W.M.P.(MD) No.14202 of 2017

C.Thangasamy

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Public Works,
Fort St. George,
Chennai.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Assistant Director,
Department of Mines and Minerals,
District Collector Office Campus,
Thoothukudi District.
- 4.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.



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- 5.The Thasildar,
Vilathikulam Taluk,
Thoothukudi District.
- 6.The Revenue Inspector,
Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.
- 7.The Village Administrative Officer,
Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.
- 8.Ragupathi Raja,
Revenue Inspector,
Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.
- 9.Alagar,
Village Administrative Officer,
Kulathur Village,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to prevent the illegal quarry operation of the respondents 8 and 9 in Kulathur South Kanmai and to restore the same to its original position and consequently, direct the second respondent to initiate appropriate action against the respondents 8 and 9 for permitting illegal quarry operation by considering the petitioner's representation, dated 06.09.2017.



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For Petitioner	:	Mr.Jerin Mathew for Ms.T.K.Akalya
For Respondents 1, 2, 4 to 7	:	Mr.K.Balasubramani Special Government Pleader
For 3 rd Respondent	:	Mr.S.R.A.Ramachandran Additional Government Pleader

ORDER

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

C.Thangasamy, son of Chinnapalam, has filed this Writ Petition for issuance of a Writ of Mandamus, directing the second respondent to prevent the illegal quarry operation of the respondents 8 and 9 in Kulathur South Kanmoi and to restore the same to its original position and consequently, directing the second respondent to initiate appropriate action against the respondents 8 and 9 for permitting illegal quarry operation, by considering his representation, dated 06.09.2017.

2. Learned counsel for the petitioner would submit that there is a Water Body known as Kulathur South Kanmoi in Kulathur Village. Most of the people in and around the Kulathur Village are depending upon the



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agricultural operations for their livelihood and the agriculturists are also depending upon the said Kanmoi for water sources, which holds water during rainy season. When the silt gets accumulated in the Kanmoi during summer season, permission is generally granted by the official respondents to mine Karambai and Vandal sand, which are known as Savudu, for the purpose of deepening the Kanmoi, so that more quantity of water can be stored in the Kanmoi and the same can be utilised by the villagers during summer season. But, when permission was granted to mine savudu, indiscriminately people living in Kulathur Village and other Villages are also coming and exploiting the Savudu. Therefore, the petitioner has approached this Court by filing this writ petition.

3. A detailed counter affidavit has been filed by the fifth respondent.

4. Mr.K.Balasubramani, learned Special Government Pleader, appearing for the respondents 1, 2 & 4 to 7, drawing our attention to Paragraph No.4 of the counter affidavit, submitted that the petitioner neither belongs to the concerned Village nor a farmer and therefore, he has no *locus* to maintain the writ petition.



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5. Learned Special Government Pleader would further submit that the Government of Tamil Nadu has also issued a Gazette dated 23.09.2015, by which, the public are allowed to mine Karambai and Vandal sand at free of cost from the beds of tanks come under the control of the Public Works Department or Rural Development and Panchayat Raj Department only for domestic and agricultural purposes and as per the Rules, if anybody, who wants to mine Savudu, have to obtain permission from the District Collector, subject to the condition that he should satisfy that he is a resident of the Village concerned. Based on the said criteria, when necessary permissions were granted to different individuals for mining the Savudu / Silt in the Water Body, the capacity of the Tank has also been increased considerably. As a result, when there was a huge rainfall in the month of September, 2017, the rain water from the catchment area reached the Tank and the Tank is filled with rain water upto 75%. Now, agricultural operations are also in progress in the Ayakkattu area. The mining of silt from the Tank has been carried out by the people of the Village after getting proper permission from the authorities concerned according to the provisions under Rule 12(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959. Therefore, the petitioner cannot have any grievance at all.



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6. When the permission to mine the silt is granted only for the betterment of the people keeping in mind the fact that once Savudu is removed, the Kanmoi would get deepened. As a result, more quantity of water can be stored and that can be used during summer season by the Villagers. Therefore, when the counter affidavit shows that only the Villagers belonging to Kulathur Village alone are permitted to mine Vandal sand, subject to the condition that they should belong to the same village and obtain permission from the District Collector, we do not find any merit in this writ petition.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [D.K.K., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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