



W.P.No.25977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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M.RAMASAMY

.. Petitioner

Vs

1.THE DISTRICT COLLECTOR
DISTRICT COLLECTORS OFFICE,
KARUPPA GAUNDANPALAYAM
TIRUPPUR 641 604

2.THE TASHILDAR
AVINASHI TALUK OFFICE,
SEVOOR ROAD, TIRUPPUR 641 605

3.THE VILLAGE ADMINISTRATIVE OFFICER
VILLAGE ADMINISTRATIVE OFFICE,
THEKKALUR VILLAGE, AVINASHI,
TIRUPPUR 641 654

4.KOUSHIKA NEERKARANGAL
3D, CHITHRA NAGAR,
SARAVANAMPATTI
COIMBATORE 641 035.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondent Nos. 1



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to 3 to immediately cease the illegal and mining of respondent No.4 on government wasterland (Vaari Poramboke) in Survey numbers 267, 264/1, 265, 266, and 270/1 in Thekkalur Village, Avinashi Taluk, Tirupur District. The Court is further requested to revoke any permit issued based on illicit documents, investigate the activities of respondent No.4 "Kaushika Neerkarangal" take appropriate legal action, protect the agricultural land and restore any damage caused.

For the Petitioner : Mr.Ashwin

For Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondents 1 to 3

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Alleging that the fourth respondent is illegally carrying on sand mining on government wasteland (Vaari Poramboke) in Survey Nos.267, 264/1, 265, 266 and 270/1 in Thekkalur Village, Avinashi Taluk, Tirupur District, the villagers sent a representation on 21.7.2024 to respondents 1 and 2. As no action was taken based on the said representation, the present writ petition, styled as a public interest litigation, is filed.



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2. Learned counsel for the petitioner submits that the writ subject lands are illegally occupied by the fourth respondent and they are excavating the land; extracting the white sand and selling it for commercial purposes. If the illegal activities of the fourth respondent are not vetoed right off, then it would lead to soil erosion and the livelihood of numerous families, who depend on agriculture, would be drastically affected.

3. We have heard learned counsel for the parties and perused the documents filed in support of the writ petition.

4. The asseverations made in the writ petition are as vague as they could be. On the one hand, the petitioner submits that the fourth respondent obtained permission from the first respondent for rejuvenation of the pond by furnishing fake documents and, on the other hand, he submits that the fourth respondent is illegally excavating the land and extracting white sand and selling it for commercial purposes. If any permission is obtained by the fourth respondent for rejuvenation of the pond, then the petitioner has to



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specifically point out the violation of the terms of allotment granted in favour of the fourth respondent. Without ferreting out such information and placing any material in support of the plea, the petitioner has directly knocked the doors of this court seeking invocation of the extraordinary jurisdiction of this court under Article 226 of the Constitution of India to conduct a roving enquiry.

5. The petitioner has filed this writ petition *pro bono publico*. Though strict rules of pleadings may not apply in public interest litigations, the petition should contain sufficient material on the basis of which court may proceed. The foundation of the case has to be established by the litigant. Information furnished should not be vague and indefinite. However, in the instant case, barring the vague and casual allegations levelled, there is no specific asseveration with regard to any specific illegality or violation of the permission, which is ascribable to the fourth respondent. The Court cannot conduct a fishing and roving enquiry based on such unfounded allegations.



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6. For the foregoing reasons, the writ petition is dismissed, being bereft of requisite particulars. However, liberty is granted to the petitioner to approach the first respondent to ventilate his grievance with specific allegations of violations, if any, of the permission granted to the fourth respondent. There shall be no order as to costs. Consequently, W.M.P.No.28364 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
04.09.2024

Index : Yes/No
NC : Yes/No
sasi

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AND
P.B.BALAJI, J.

(sasi)

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