



W.P(MD)No.14635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.14635 of 2023

Karuppi

..Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Thasildhar,
Mannur Taluk,
Tirunelveli District.

3.The Executive Officer,
Chokkanatchiyarpuram Panchayat,
Maanur.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to fill the rocky pit with sand in Survey No.80/74 of Chokkanatchiyarpuram Village, Mannur Taluk, Tirunelveli District which is adjacent to Petitioner house as it was before and pass appropriate order within a stipulated period fixed by this Court.



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For Petitioner :Mr.J.Maheshkumar

For Respondents :Mr.A.Kannan,
Addl. Government Pleader.

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to direct the respondents to fill the rocky pit with sand in Survey No.80/74 of Chokkanatchiyarpuram Village, Manur Taluk, Tirunelveli District which is adjacent to Petitioner house.

2.Heard Mr.J.Maheshkumar, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner submitted that the petitioner was issued with assignment patta for an extent of 0.65 Sq. Meter in the year 2004. She built a house there. A small rocky pit was situated near the petitioner's land. It was dug and sand was taken from the same. Hence, a pit was formed there. As a result, the petitioner's house in hazardous situation. Hence, the petitioner sent several representations to the respondents. However, no action



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was taken. Therefore, the petitioner left with no other option filed the present writ petition.

4.The learned Additional Government Pleader for the respondents would submit that when the authorities inspected the property, they found that there are two rocky pits to an extent of 15 cents in S.No.80/52. The pit was dug around 15 feet. The people are residing around the rocky pits. According to him, the same is posing threat to the public, cattle and also children. According to the respondents, the Director of Geology and Mining, Tirunelveli sent a report to the second respondent either to close the rocky pits or fence same for protecting the public life. He further submitted that the competent authority is the Block Development Officer, Mannur Panchyat Union. He may be directed to do the needful.

5.It is seen from the materials on record that the petitioner was issued with assignment patta in the year 2004 and she is a poor widow. It is also seen that the petitioner's house at the edge of the pit. Considering the facts and circumstances of the case, the Block Development Officer, Mannur Panchyat Union, Tirunelveli District is directed to look into the issue in a war footing manner and provide appropriate safety measure to the petitioner and other



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persons who are living near the pit within a period of three months from the date of receipt of a copy of this order. The third respondent is also directed to see that there was no letting of sewage water near the petitioner's house.

6. With the above direction, this writ petition is disposed of. No costs.

07.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Thasildhar,
Mannur Taluk,
Tirunelveli District.
3. The Executive Officer,
Chokkanatchiyarpuram Panchayat,
Maanur.

Copy to

The Block Development Officer,
Mannur Panchyat Union,
Tirunelveli District.



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V.BHAVANI SUBBAROYAN,J

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