



W.P(MD)No.25049 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.02.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE P.DHANABAL**

**W.P(MD)No.25049 of 2018
and W.M.P.(MD)No.22715 of 2018**

Sathana Udaiyar

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Virudhunagar District.
- 2.The Deputy Director,
Geology and Mines & Minerals Department,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Aruppukottai Revenue Division,
Aruppukottai, Virudhunagar District.
- 4.The Tahsildar,
Tiruchuli Taluk,
Tiruchuli, Virudhunagar District
- 5.Radhakrishnan



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6. Muthupandi

7. S.Senthilkumar

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the 1 to 4 respondents to take necessary action against the 5th , 6th and 7th respondents and also forbearing the 5th , 6th and 7th respondents illegally taking river sand from the Gundaru, Tiruchuli Taluk, Virudhunagar District by considering the petitioner's representations dated 22.11.2018 and 30.11.2018 .

For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1 to R4

Mr.C.Susikumar for R5 to R7

ORDER

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

Heard the learned counsel for the petitioner, learned advocate for respondents 5 to 7 and the learned Government Pleader appearing for respondents 1 to 4.



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2. A status report is placed on record by the learned Government Pleader. The extracts of the same are as under:

“2) The above writ petition is listed for hearing today before the Hon'ble Chief Justice Court and I submit the following facts for appraising before the Hon'ble Madurai Bench of Madras High Court.

1)Thiru. Radhakrishnan, 5th respondent herein has been granted with a quarry lease for quarrying Savudu Earth over an extent of 2.88.5 hectares of patta lands SF.No.477/1D, 477/4, 477/6 etc., of Tiruchuli Village & Taluk, Virudhunagar District for a period of one year vide proceedings of the District Collector in KV3/1043/2017 dated: 11.10.2018. The lease deed was executed on 22.10.2018 and the lease period expired on 21.10.2019.

2) Based on the report received from the Revenue Divisional Officer, Aruppukottai and violations detected in the area granted for quarry lease in favour of the 5th respondent, the quarry lease granted in the subject area was cancelled by the District Collector, Virudhunagar vide proceedings Rc.No.KV3/1043/2017, dated: 22.01.2019.

3) Thiru.Muthupandi, 6th th respondent herein has been granted with a quarry lease for quarrying Savudu



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Earth over an extent of 1.32.0 hectares of patta lands in SF.No.140/1 of Kilavaneri Village, Kariapatti Taluk, Virudhunagar District vide proceedings of the District Collector vide Rc.No.KV3/440/2017, dated: 06.02.2018 for a period of 11 months. The lease deed was executed on 15.06.2018 and the lease period was expired on 14.05.2019.

4) Based on the report submitted by the Revenue Divisional Officer, Aruppukottai on the illegal mining carried out in the non-leased out patta lands and other violations detected, quarry lease granted in favour of the 6th respondent was cancelled by the District Collector vide proceedings dated: 06.05.2019. Rc.No.KV3/440/2017, dated 06.05.2019.

5) The Revenue Divisional Officer, Aruppukottai has been further directed by the District Collector to assess the actual quantum of mineral illegally mined and transported from the non-leased out patta lands in SF. No.130/13 & 130/16 of Kilavaneri Village, Kariapatti Taluk, Virudhunagar District.

3) In the light of the above, it is submitted that appropriate penal action will be initiated by the Revenue Divisional Officer, Aruppukottai against the 5th, 6th & 7th respondents for levying penalty for the illegal mining indulged in the non-leased out patta lands after assessing the actual quantum of mineral mined and



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transported from the non-leased out area and after issuing show cause notice to the private respondents in accordance with law.”

3. It appears that today either the lease has been cancelled or the lease period has been elapsed. However, it is to be noted that though the lease period was cancelled in the year 2019 and directions were given to assess the actual quantum of mineral illegally mined and transported from the non-leased out patta lands, the penalty amount is not decided nor any penal action is initiated. The respondent authorities shall expedite the said process and take a further decision on merits preferably, within a period of six months from the date of receipt of a copy of this order.

4. This Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.B., J.)

28.02.2024

NCC : Yes/No
Index : Yes/No
vsm

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