



W.P.(MD)No.20559 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20559 of 2024

J.Rajkumar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Eral Taluk,
Eral, Thoothukudi District.

3.The Executive Engineer,
Public Works Department (WRO),
Thamirabarani Basin,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to extend the period of taking soil from Kadambankulam Kanmai of Thenthiruperai village and thereby direct him to permit the petitioner to use 3 unit carriage vehicle / Tipper to transport the soil to his agriculture lands based on his representation dated 31.07.2024 submitted to the 2nd respondent in person within the time limit that may be stipulated by this Court.



WEB COPY



W.P.(MD)No.20559 of 2024

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a direction to the second respondent to extend the period of taking soil from Kadambankulam Kanmai of Thenthiruperaai village and permit the petitioner to use his 3 unit carriage vehicle / Tipper to transport the soil to his agriculture lands based on his representation dated 31.07.2024 submitted to the 2nd respondent in person within the time limit that may be stipulated by this Court.

2.Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the petitioner is that he is an agriculturist. During heavy rainfall and flood occurred during December, 2023, the agricultural land in around Thoothukudi got severely damaged. Hence, the Government had permitted the agriculturists to take soil from the nearest Kanmai to restore their



W.P.(MD)No.20559 of 2024

agricultural land in its actual position. In this regard, the petitioner made an application and obtained permission to take soil. The petitioner has been provided with 30 days time limit for the same. Since the petitioner is doing agriculture in a vast area and the time limit will not be sufficient to restore his entire land, the petitioner seeks permission to the second respondent to extend the time limit and to use his three units carriage vehicle to take the soil. Since the same was not considered so far, the petitioner has filed this writ petition.

4.The learned Additional Government Pleader appearing for the respondents submitted that only 100 cm of soil was permitted to be removed as per the permit given to the petitioner. In event if the petitioner exhausts that extent, he should only file a fresh application seeking necessary permission to take further soil from the Kanmoi. Instead, the petitioner cannot seek for renewal of the earlier permit granted to him.

5.In view of the above submission, the petitioner is directed to file a fresh application before the authorities concerned seeking necessary permission to take soil from the Kanmoi. On such submission of fresh application by the petitioner, the authorities shall consider the same on its own merits and pass appropriate orders in accordance with law.



W.P.(MD)No.20559 of 2024

WEB COPY

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

29.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Eral Taluk,
Eral, Thoothukudi District.
3. The Executive Engineer,
Public Works Department (WRO),
Thamirabarani Basin,
Palayamkottai,
Tirunelveli District.



WEB COPY



W.P.(MD)No.20559 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.20559 of 2024

29.08.2024