



W.P.(MD) No.23716 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.23716 of 2024

1.Nambi Konar

2.Perumal

3.Enamuthu

... Petitioners

/vs./

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Special Tahsildar (Land Acquisition),
Interlinking of Rivers,
Ambasamudram Unit -i,
Cheranmahadevi,
Tirunelveli District.

3.The Executive Engineer,
Water Resource Department,
Special Project Division,
Ambasamudram

... Respondents



W.P.(MD) No.23716 of 2024

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to permit the petitioner to utilize the waste stone and sand stored in petitioner's land in S.No.428/2B, 428/3, 429, 430/1 situated in Pathamadaai village, Cheranmahadevi taluk, Tirunelveli district for levelling or in the alternative direct the respondents to pay the compensation or rent for the period during which the sand and stone has been stored in petitioner lands within a stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Packiya Muthu

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus to permit the petitioner to utilize the waste stone and sand stored in the petitioner's land in S.Nos.428/2B, 428/3, 429, 430/1 situated in Pathamadaai village, Cheranmahadevi Taluk, Tirunelveli District for levelling or to direct the respondents to pay the compensation or rent for the period, during which the sand and stone has been stored in petitioner's lands.

2. It is the case of the petitioners that the petition mentioned lands had been acquired for the formation of the flood water channel by inter-linking



W.P.(MD) No.23716 of 2024

Thamirabarani, Karumeniar and Nambiyar rivers. After the acquisition, they were left with an extent of 7.55 acres in their possession. The petitioners would submit that during the course of digging of the floor water channel, the sand and stones which were removed have been dumped on the patta land, which is adjacent to the acquired lands. The petitioners had requested the respondents to remove the debris on several occasions orally for which there was absolutely no response.

3. Meanwhile, he was informed by one of his relatives that with reference to a similar case, his daughter had filed W.P.(MD) No.8650 of 2023 before this Court for removing the debris stored in her land and this Court was pleased to direct the respondents to remove the debris and restore the possession and directions were also issued for determining the compensation.

4. A similar land owner had also filed W.P.(MD) No.1628 of 2023, since the relief of compensation was not granted in the writ petition in W.P.(MD) No.8634 of 2023. Therefore, the petitioner had sent a representation dated 05.03.2024 requesting the respondents to remove the debris dumped in their land situated in S.Nos.428/2B, 428/3, 429, 430/1 at Pathamadai Village and to pay compensation



W.P.(MD) No.23716 of 2024

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or rent for the period during which the mud sand was stored. However, no action was taken, thereby constraining the petitioner to remove the waste stored.

5. The learned counsel for the petitioner would submit that this debris had been dumped 10 years ago, which statement was refuted by Mr.B.Saravanan, learned Additional Government Pleader. In the affidavit filed in support of this writ petition, the petitioner had stated as follows:-

“ 3. I submit that the project was implemented in the year 2013 itself, however, due to the change in the regime of Government, the project was not completed in all the places. But in respect of the lands acquired in and around my properties, the project is about to be completed since the respondents have revived the project for the past two years and during the course of digging for the Flood Water Channel, the Sand (Savudu) and Stones which was removed have been dumped in my Patta land which is situated adjacent to the acquired lands. In fact, I requested the respondents to remove the debris but did not yield any result and thus I am not in a position to do agriculture.”



W.P.(MD) No.23716 of 2024

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6. Therefore, it is clear that it is only from 2022 that the debris had been dumped. At this stage, the learned Additional Government Pleader, on instructions, would submit that the same would be removed within two weeks.

7. Recording the submission of the learned Additional Government Pleader, the writ petition stands disposed of with a direction to the respondents to remove the mud within a period of two weeks from the date of receipt of a copy of this order. If the same is not completely removed, it is open to the petitioners to dispose of the mud in the manner which they deem fit. It is needless to state that the petitioners shall make necessary application seeking damages for the use and occupation of the land from the date on which the mud was stored and on receipt of such representation, if any, the respondents shall consider and dispose of the same as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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W.P.(MD) No.23716 of 2024

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WEB COPY



W.P.(MD) No.23716 of 2024

P.T.ASHA, J.

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