



W.P.No.13360 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 16.04.2025**

CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.13360 of 2025 and WMP No.14951 of 2025**

Govindammal

...Petitioner

-Vs-

1.The District Collector,  
O/o. District Collector,  
Tiruppur.

2. The Tahsilar,  
O/o. Tahsildar,  
Avinasi,  
Tiruppur District.

3.The Block Development Officer,  
Block Development Office,  
Avinasi,  
Tiruppur District.

4.Gowtham

5.Kishore

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents to restore petitioner's car track by filling sand which was illegally taken away by the 4<sup>th</sup> and 5<sup>th</sup> respondents and



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consequently compensation may be ordered for illegal sand taken from petitioner's patta land by destroying petitioner's car track in view of representation dated 17.03.2025 given by the petitioner.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.N.Naveen Kumar  
Government Advocate  
For R.1 and R.2

: Mr.T.M.Rajangam  
Government Advocate  
For R.3

### **ORDER**

Mr.N.Naveen Kumar, learned Government Advocate takes notice on behalf of respondents 1 and 2 and Mr.T.M.Rajangam, learned Government Advocate takes notice on behalf of the third respondent . With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to direct the respondents 1 to 3 to restore petitioner's car track by filling sand which was illegally taken away by the 4<sup>th</sup> and 5<sup>th</sup> respondents and consequently compensation may be ordered for illegal sand taken from petitioner's patta land by destroying petitioner's car track in view of representation dated 17.03.2025 given by the petitioner.



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3. The case of the petitioner is that the third respondent with the help of the respondents 4 and 5, who represented contractor for laying road from Sundakampalayam to Government School, Alangattupalayam and in order to lay the road, the respondents 4 and 5 extended the road more than the prescribed extent given by the third respondent. In order to lay the road, the respondents 4 and 5 have taken more sand illegally by digging 50 feet from the land situated Eastern side of petitioner's property where the Car Track is available. When this was questioned by the petitioner's daughter namely, Kanchana, respondents 4 and 5 stated that the sand has been taken on the instruction of the Village Administrative Officer.

4. The petitioner submitted that on 15.03.2025 the JCP owned by the 4th respondent and his employee Vijayapandi attempted to take the same from the petitioner's land. When petitioner's daughter was questioning the same, they told that they are not taking the sand from the petitioner's land but only from adjacent road. On believing their words, petitioner's daughter left as such. On the next day evening, petitioner's daughter went to the property and saw that the respondents 4 and 5 illegally entered petitioner's property and took away the sand and damaged petitioner's car track which is used to reach petitioner's patta land. In order to restrain the illegal attitude of the respondents 4 and 5, the petitioner has made representation before the first



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respondent on 17.03.2025 for taking necessary action against the respondents

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3 to 5. Similarly, petitioner's daughter has also given criminal complaint before the Superintendent of Police, Tirupur on 18.03.2025 by enclosing copy of the petitioner's sale deed and the photograph which indicates the sand taken illegal by the respondents 4 and 5 and also representation to the District Collector. Since the respondents 4 and 5 took away the sand from the car track, the petitioner is unable to reach the patta land in Survey No.310/4. Despite of petitioner's representation to the 1<sup>st</sup> respondent, he has not given any suitable instructions to the respondents 2 and 3 for taking appropriate action against the respondents 4 and 5. The act of the respondents 4 and 5 is illegal against the Mines and Minerals Act. The petitioner apprehends that the respondents 4 and 5 will take further more sand from the petitioner's land. Hence, the petitioner has filed the above writ petition, seeking for the above relief.

5. Learned Government Advocate appearing for respondents 1 and 2 would submit that the representation of the petitioner dated 17.03.2025 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

6. Heard both sides and perused the materials available on record.

7. Without going into the merits of the case, the first respondent is



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directed to consider the representation of the petitioner dated 17.03.2025 after conducting a detailed enquiry by giving due notice to the petitioner, respondents 4 and 5, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

**16.04.2025**

sr

Index : Yes/No

Speaking/Non Speaking order

To

1.The District Collector,  
O/o. District Collector,  
Tiruppur.

**J.SATHYA NARAYANA PRASAD, J.**



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2. The Tahsilar,  
O/o. Tahsildar,  
Avinasi,  
Tiruppur District.

3. The Block Development Officer,  
Block Development Office,  
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