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WP No. 33073 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 33073 of 2024

and

WMP No.35830 of 2024

I.Malarkodi

Petitioner(s)

Vs

1. The District Collector
Vellore District,
Vellore- 632 009
Vellore District.

2.The Thasildar
Katpadi Taluk,
Vellore - 632 007.

3.Executive Engineer,
Public Works Department, WRO
Gandhinagar, Vellore - 632 006

4.The Assistant Executive Engineer
WRO, PWD,
Gudiyattam 632 602.

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, to call for the records pertaining to the impugned Letter No. கோ.க்யு 3/வண்டல் மண்/2024/உசபொ (G) dated 24.09.2024 issued by the 4th Respondent Assistant Executive Engineer and quash the same



and consequently direct the 4th Respondent Assistant Executive Engineer to issue the petitioner appropriate and necessary orders and vehicle permit for the removal of Earth/ clay/Silt from Vandranthangal Periya Eri as per the Certificate TN- 12020240902200 dated 13.09.2024 and to extend the last date mentioned in the certificate for removal of clay /silt, within a specified time as may be fixed by this Hon'ble court.

For Petitioner(s): Mr. V.Ajoy Khose

For Respondent(s): Mr. Stalin Abhimanyu,
A.G.P.

ORDER

Challenging the order of rejection issued by the fourth respondent not extending the time for remove of earth, clay, and soil from the lakes, the present writ petition has been filed.

2. It is the case of the petitioner that she is a farmer. As per G.O.Ms.50, Industries (MMC 1) Department, dated 27.04.2017, the Government permitted the farmers to take the soil from the beds of Tanks, reservoirs free of cost for agricultural requirements, which would not only benefit the farmers but also indirectly help in restoring the lost capacity of water bodies. Further, G.O.Ms.No.14 Natural Resources(MMC-1) Department, dated 12.06.2024, conferred power upon the District Collectors to grant permission and delegated such power to the respective Tahsildars of the concerned jurisdiction for removal of clay, silt or gravel from the designated water bodies. The Government, in order to assist the farmers and to desilt the tanks before the



onset of the monsoon, accorded permission to carry out the entire process online, starting from receipt of the application, verification and issuance of the permission orders.

3. The petitioner has also made an online application and was originally granted permission on 13.09.2024 to remove 185 cubic metres of earth from the Vandranthangal Periya Eri for agriculture purposes. Thereafter, when the petitioner approached the third respondent for obtaining a vehicle permit for carrying earth, the third respondent vide proceedings dated 23.09.2024 forwarded the same to the fourth respondent for necessary action. However, the fourth respondent could not issue the vehicle permit on the ground that the first respondent has temporarily stopped the removal of earth/clay/silt from 120 listed Eris in the Vellore District. Hence, according to the petitioner, the impugned order is not proper. Challenging the same, the present writ petition has been filed.

4. Though counter affidavit has been filed, on instruction, status report has also been filed before this Court by the first respondent/District Collector, Vellore stating that though the permission was granted, complaints were received alleging misuse of the permission by beneficiaries, including unauthorized removal of gravel and excess quantity of clay. Owing to such misuse by several persons, removal of earth/clay/silt from 120 irrigation tanks,



including the subject tank, have been temporarily stopped.

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5. It is now ascertained from the Water Resources Department that the irrigation tank in S.F.No.450 /1A of Vandarnthangal Village, Katpadi Taluk, Vellore District, is presently filled with about 25% of its water retaining capacity. The heavy downpour occurred in the catchment areas may bring more water into the said tank and other tanks of Vellore District. Therefore, in the present situation, the petitioner's request for permission to remove clay and silt from the aforesaid tank is not feasible and may cause harm to the tank bunds. However, after the retreat of the monsoon and once the tank bed becomes dry, the petitioner and eligible villagers shall be given top preference during the year 2026 to remove and utilize clay and silt from the subject area.

6. Considering the present developments and the status report of the District Collector and also taking note of the fact that the monsoon has commenced, and water bodies are now filled with water, this Court is of the view that at this stage, it may not be possible to permit farmers to remove the soil. As stated by the District Collector in the Status Report, the petitioner and other eligible persons shall be given top preference to utilise the clay from the subject area after the water bodies become dry. For the next year, upon issuance of the Government Order, the petitioner and other eligible villagers shall be permitted to make application for removal of soil or clay from the water bodies



in accordance with law, and necessary permits, including vehicle permits, shall be issued.

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7. With the above observations and the directions, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03-12-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes

mrp
To

1. The District Collector
Vellore District, Vellore- 632 009
Vellore District.

2. The Thasildar
Katpadi Taluk, Vellore - 632 007.

3. Executive Engineer
Public Works Department, Wro
Gandhinagar, Vellore - 632 006

4. The Assistant Executive Engineer,
WRO, PWD,
Gudiyattam 632 602.

5. The Public Prosecutor,
High Court of Madras,
Chennai.



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