



W.P.(MD)No.7475 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.7475 of 2021
and
W.M.P.(MD)No.5644 of 2021

Uma Maheswari

... Petitioner

/Vs./

1. The Secretary
Home Department,
St. George Fort, Chennai
2. The District Collector,
Dindigul District, Dindigul.
3. The Superintendent of Police
Dindigul District , Dindigul
4. The Revenue Divisional Officer,
Dindigul
5. The Assistant Director,
Department of Minerals and Mines,
Dindigul District
- 6 The Tahshildhar
Vedasandhu Taluk, Vedasandhur,
Dindigul District



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7. The Managing Director,
Chettinad Cements Ltd.,
Karikkali,
Vedasandhur Taluk,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 5th respondent to take action against the 7th respondent for illegal quarrying in the petitioners land and direct the 2nd and 5th respondent to survey the lands and take action against 7th respondent to hand over the lands to petitioner's suitable for agricultural activities by petitioner's land situated Dindigul District Vedasanthur village Karikkali Village in S.Nos.1404/2, 1404/3, 1404/4, 1404/5, 1404/6, 1404/7, 1404/8 comprising of 4.5 acres within a time frame fixed by this Court.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader for R1,2,4-6

: Mrs.M.Aasha

Government Advocate(Crl.Side) for R3

ORDER

This Writ Petition has been filed for a direction, directing the fifth respondent to take appropriate action as against the seventh respondent



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for illegal quarrying in the petitioner's land comprised in S.Nos.1404/2, 1404/3, 1404/4, 1404/5, 1404/6, 1404/7, 1404/8 to an extent of 4.5 acres situated at Vedasanthur village, Karikkali Village, Dindigul District.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner owned property comprised in S.Nos.1404/2, 1404/3, 1404/4, 1404/5, 1404/6, 1404/7, 1404/8 to an extent of 4.5 acres situated at Vedasanthur village, Karikkali Village, Dindigul District and cultivating the same. While being so, the seventh respondent without any lease or other licence illegally quarrying the petitioner's land. Therefore, the petitioner submitted representation to take appropriate action as against the seventh respondent for his illegal quarrying in the petitioner's land. The petitioner also filed a petition to appoint Advocate Commissioner to inspect the property and also to survey the land in respect of his property. The Advocate Commissioner was appointed after inspection and surveyed the land and he filed a report.



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4. On perusal of the Advocate Commissioner's report, it revealed that already boundary stones were installed in the property owned by the petitioner and found that the petitioner's properties, boundaries are intact and there is no quarrying. However, adjacent to the petitioner's property, comprised in Survey No.1404, there is quarrying operation by the seventh respondent. While quarrying operation in progress, the road has been used, which is comprised in S.No.1404/7, which is belonged to the petitioner. Now, the said road has been closed by mud.

5. The learned counsel for the petitioner would submit that though the seventh respondent had not quarried the petitioner's patta land, adjacent to his patta land, he is continuing the quarry operation that too without licence, if the quarry operation is permitted to the seventh respondent, the petitioner cannot be able to cultivate the same.

6. On perusal of the photographs shows that the petitioner's land is laying vacant and without any cultivation. That apart, on perusal of the counter filed by the second respondent, the seventh respondent is



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permitted under licence, to quarry land comprised in S.No.1404/5 and it is a waste land on ground, with sporadic growth of thorny bushes. Further, the seventh respondent is using the road, which is comprised in S.No.1404/1, situated at Karikali village, which is classified as “Government Poromboke” land. Therefore, there is no quarrying in the petitioner's land and no need to take any action against the seventh respondent.

7. In view of the above, this Writ Petition is devoid of merit and the same is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is also entitled to use the road, which is belonged to the Government, comprised in S.No.1404/1 situated at Karikali village. No costs. Consequently, connected Miscellaneous Petition is closed.

27.01.2025

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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Dindigul District, Dindigul.
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Order made in
W.P.(MD)No.7475 of 2021

Dated:
27.01.2025